

108th CONGRESS
2D SESSION

H.R. 4613

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4613) "making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes", having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2005, for military functions administered by the Department of Defense, and for other purposes, namely:

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1 TITLE I

2 MILITARY PERSONNEL

3 MILITARY PERSONNEL, ARMY

4 For pay, allowances, individual clothing, subsistence,
5 interest on deposits, gratuities, permanent change of sta-
6 tion travel (including all expenses thereof for organiza-
7 tional movements), and expenses of temporary duty travel
8 between permanent duty stations, for members of the
9 Army on active duty, (except members of reserve compo-
10 nents provided for elsewhere), cadets, and aviation cadets;
11 and for payments pursuant to section 156 of Public Law
12 97-377, as amended (42 U.S.C. 402 note), and to the De-
13 partment of Defense Military Retirement Fund,
14 \$29,381,422,000.

15 MILITARY PERSONNEL, NAVY

16 For pay, allowances, individual clothing, subsistence,
17 interest on deposits, gratuities, permanent change of sta-
18 tion travel (including all expenses thereof for organiza-
19 tional movements), and expenses of temporary duty travel
20 between permanent duty stations, for members of the
21 Navy on active duty (except members of the Reserve pro-
22 vided for elsewhere), midshipmen, and aviation cadets; and
23 for payments pursuant to section 156 of Public Law 97-
24 377, as amended (42 U.S.C. 402 note), and to the Depart-

1 ment of Defense Military Retirement Fund,
2 \$24,347,807,000.

3 MILITARY PERSONNEL, MARINE CORPS

4 For pay, allowances, individual clothing, subsistence,
5 interest on deposits, gratuities, permanent change of sta-
6 tion travel (including all expenses thereof for organiza-
7 tional movements), and expenses of temporary duty travel
8 between permanent duty stations, for members of the Ma-
9 rine Corps on active duty (except members of the Reserve
10 provided for elsewhere); and for payments pursuant to sec-
11 tion 156 of Public Law 97-377, as amended (42 U.S.C.
12 402 note), and to the Department of Defense Military Re-
13 tirement Fund, \$9,581,102,000.

14 MILITARY PERSONNEL, AIR FORCE

15 For pay, allowances, individual clothing, subsistence,
16 interest on deposits, gratuities, permanent change of sta-
17 tion travel (including all expenses thereof for organiza-
18 tional movements), and expenses of temporary duty travel
19 between permanent duty stations, for members of the Air
20 Force on active duty (except members of reserve compo-
21 nents provided for elsewhere), cadets, and aviation cadets;
22 and for payments pursuant to section 156 of Public Law
23 97-377, as amended (42 U.S.C. 402 note), and to the De-
24 partment of Defense Military Retirement Fund,
25 \$24,155,911,000.

1 RESERVE PERSONNEL, ARMY

2 For pay, allowances, clothing, subsistence, gratuities,
3 travel, and related expenses for personnel of the Army Re-
4 serve on active duty under sections 10211, 10302, and
5 3038 of title 10, United States Code, or while serving on
6 active duty under section 12301(d) of title 10, United
7 States Code, in connection with performing duty specified
8 in section 12310(a) of title 10, United States Code, or
9 while undergoing reserve training, or while performing
10 drills or equivalent duty or other duty, and for members
11 of the Reserve Officers' Training Corps, and expenses au-
12 thorized by section 16131 of title 10, United States Code;
13 and for payments to the Department of Defense Military
14 Retirement Fund, \$3,663,890,000.

15 RESERVE PERSONNEL, NAVY

16 For pay, allowances, clothing, subsistence, gratuities,
17 travel, and related expenses for personnel of the Navy Re-
18 serve on active duty under section 10211 of title 10,
19 United States Code, or while serving on active duty under
20 section 12301(d) of title 10, United States Code, in con-
21 nection with performing duty specified in section 12310(a)
22 of title 10, United States Code, or while undergoing re-
23 serve training, or while performing drills or equivalent
24 duty, and for members of the Reserve Officers' Training
25 Corps, and expenses authorized by section 16131 of title

1 10, United States Code; and for payments to the Depart-
2 ment of Defense Military Retirement Fund,
3 \$2,084,032,000.

4 RESERVE PERSONNEL, MARINE CORPS

5 For pay, allowances, clothing, subsistence, gratuities,
6 travel, and related expenses for personnel of the Marine
7 Corps Reserve on active duty under section 10211 of title
8 10, United States Code, or while serving on active duty
9 under section 12301(d) of title 10, United States Code,
10 in connection with performing duty specified in section
11 12310(a) of title 10, United States Code, or while under-
12 going reserve training, or while performing drills or equiv-
13 alent duty, and for members of the Marine Corps platoon
14 leaders class, and expenses authorized by section 16131
15 of title 10, United States Code; and for payments to the
16 Department of Defense Military Retirement Fund,
17 \$623,073,000.

18 RESERVE PERSONNEL, AIR FORCE

19 For pay, allowances, clothing, subsistence, gratuities,
20 travel, and related expenses for personnel of the Air Force
21 Reserve on active duty under sections 10211, 10305, and
22 8038 of title 10, United States Code, or while serving on
23 active duty under section 12301(d) of title 10, United
24 States Code, in connection with performing duty specified
25 in section 12310(a) of title 10, United States Code, or

1 while undergoing reserve training, or while performing
2 drills or equivalent duty or other duty, and for members
3 of the Air Reserve Officers' Training Corps, and expenses
4 authorized by section 16131 of title 10, United States
5 Code; and for payments to the Department of Defense
6 Military Retirement Fund, \$1,451,950,000.

7 NATIONAL GUARD PERSONNEL, ARMY

8 For pay, allowances, clothing, subsistence, gratuities,
9 travel, and related expenses for personnel of the Army Na-
10 tional Guard while on duty under section 10211, 10302,
11 or 12402 of title 10 or section 708 of title 32, United
12 States Code, or while serving on duty under section
13 12301(d) of title 10 or section 502(f) of title 32, United
14 States Code, in connection with performing duty specified
15 in section 12310(a) of title 10, United States Code, or
16 while undergoing training, or while performing drills or
17 equivalent duty or other duty, and expenses authorized by
18 section 16131 of title 10, United States Code; and for pay-
19 ments to the Department of Defense Military Retirement
20 Fund, \$5,901,729,000.

21 NATIONAL GUARD PERSONNEL, AIR FORCE

22 For pay, allowances, clothing, subsistence, gratuities,
23 travel, and related expenses for personnel of the Air Na-
24 tional Guard on duty under section 10211, 10305, or
25 12402 of title 10 or section 708 of title 32, United States

1 Code, or while serving on duty under section 12301(d) of
2 title 10 or section 502(f) of title 32, United States Code,
3 in connection with performing duty specified in section
4 12310(a) of title 10, United States Code, or while under-
5 going training, or while performing drills or equivalent
6 duty or other duty, and expenses authorized by section
7 16131 of title 10, United States Code; and for payments
8 to the Department of Defense Military Retirement Fund,
9 \$2,540,242,000.

1 TITLE II
2 OPERATION AND MAINTENANCE
3 OPERATION AND MAINTENANCE, ARMY
4 (INCLUDING TRANSFER OF FUNDS)

5 For expenses, not otherwise provided for, necessary
6 for the operation and maintenance of the Army, as author-
7 ized by law; and not to exceed \$11,144,000 can be used
8 for emergencies and extraordinary expenses, to be ex-
9 pended on the approval or authority of the Secretary of
10 the Army, and payments may be made on his certificate
11 of necessity for confidential military purposes,
12 \$25,764,634,000: *Provided*, That of funds made available
13 under this heading, \$1,900,000 shall be available for Fort
14 Baker, in accordance with the terms and conditions as
15 provided under the heading "Operation and Maintenance,
16 Army", in Public Law 107-117.

17 OPERATION AND MAINTENANCE, NAVY

18 For expenses, not otherwise provided for, necessary
19 for the operation and maintenance of the Navy and the
20 Marine Corps, as authorized by law; and not to exceed
21 \$4,525,000 can be used for emergencies and extraordinary
22 expenses, to be expended on the approval or authority of
23 the Secretary of the Navy, and payments may be made
24 on his certificate of necessity for confidential military pur-
25 poses, \$29,687,245,000.

1 OPERATION AND MAINTENANCE, MARINE CORPS

2 For expenses, not otherwise provided for, necessary
3 for the operation and maintenance of the Marine Corps,
4 as authorized by law, \$3,629,901,000.

5 OPERATION AND MAINTENANCE, AIR FORCE

6 For expenses, not otherwise provided for, necessary
7 for the operation and maintenance of the Air Force, as
8 authorized by law; and not to exceed \$7,699,000 can be
9 used for emergencies and extraordinary expenses, to be ex-
10 pended on the approval or authority of the Secretary of
11 the Air Force, and payments may be made on his certifi-
12 cate of necessity for confidential military purposes,
13 \$28,113,533,000: *Provided*, That notwithstanding any
14 other provision of law, that of the funds available under
15 this heading, \$750,000 shall only be available to the Sec-
16 retary of the Air Force for a grant to Florida Memorial
17 College for the purpose of funding minority aviation train-
18 ing.

19 OPERATION AND MAINTENANCE, DEFENSE-WIDE

20 (INCLUDING TRANSFER OF FUNDS)

21 For expenses, not otherwise provided for, necessary
22 for the operation and maintenance of activities and agen-
23 cies of the Department of Defense (other than the military
24 departments), as authorized by law, \$17,449,619,000:
25 *Provided*, That not more than \$25,000,000 may be used

1 for the Combatant Commander Initiative Fund authorized
2 under section 166a of ~~title~~ 10, United States Code, and
3 of which not to exceed \$32,000,000 can be used for emer-
4 gencies and extraordinary expenses, to be expended on the
5 approval or authority of the Secretary of Defense, and
6 payments may be made on his certificate of necessity for
7 confidential military purposes: *Provided*, That notwith-
8 standing any other provision of law, of the funds provided
9 in this Act for Civil Military programs under this heading,
10 \$500,000 shall be available for a grant for Outdoor Odys-
11 sey, Roaring Run, Pennsylvania, to support the Youth De-
12 velopment and Leadership program and Department of
13 Defense STARBASE program: *Provided further*, That of
14 the funds made available under this heading, \$2,550,000
15 shall be available only for a Washington-based internship
16 and immersion program to allow U.S. Asian-American Pa-
17 cific Islander undergraduate college and university stu-
18 dents from economically disadvantaged backgrounds to
19 participate in academic and educational programs in the
20 Department of Defense and related Federal defense agen-
21 cies: *Provided further*, That notwithstanding any other
22 provision of law, the Office of Economic Adjustment of
23 the Department of Defense may make grants and supple-
24 ment other Federal funds using funds made available by
25 this Act under this heading in accordance with the guid-

(further) (shall)

1 ance provided in the Joint Explanatory Statement of the
2 Committee of the Conference for the Conference Report
3 to accompany H.R. 4613 and these projects shall hereafter
4 be considered to be authorized by law: *Provided further,*
5 That of the funds provided under this heading that are
6 available for commercial imagery purchases, \$500,000
7 shall be used by the National Geospatial-Intelligence
8 Agency to pay for imagery and high-resolution terrain
9 data collected in 2003 in support of the California
10 wildfires: *Provided further,* That of the funds provided
11 under this heading not less than \$27,000,000 shall be
12 made available for the Procurement Technical Assistance
13 Cooperative Agreement Program, of which not less than
14 \$3,600,000 shall be available for centers defined in 10
15 U.S.C. 2411(1)(D): *Provided further,* That none of the
16 funds appropriated or otherwise made available by this
17 Act may be used to plan or implement the consolidation
18 of a budget or appropriations liaison office of the Office
19 of the Secretary of Defense, the office of the Secretary
20 of a military department, or the service headquarters of
21 one of the Armed Forces into a legislative affairs or legis-
22 lative liaison office: *Provided further,* That \$4,000,000, to
23 remain available until expended, is available only for ex-
24 penses relating to certain classified activities, and may be
25 transferred as necessary by the Secretary to operation and

1 maintenance appropriations or research, development, test
2 and evaluation appropriations, to be merged with and to
3 be available for the same time period as the appropriations
4 to which transferred: *Provided further*, That any ceiling
5 on the investment item unit cost of items that may be pur-
6 chased with operation and maintenance funds shall not
7 apply to the funds described in the preceding proviso: *Pro-*
8 *vided further*, That the transfer authority provided under
9 this heading is in addition to any other transfer authority
10 provided elsewhere in this Act.

11 OPERATION AND MAINTENANCE, ARMY RESERVE

12 For expenses, not otherwise provided for, necessary
13 for the operation and maintenance, including training, or-
14 ganization, and administration, of the Army Reserve; re-
15 pair of facilities and equipment; hire of passenger motor
16 vehicles; travel and transportation; care of the dead; re-
17 cruiting; procurement of services, supplies, and equip-
18 ment; and communications, \$1,991,128,000.

19 OPERATION AND MAINTENANCE, NAVY RESERVE

20 For expenses, not otherwise provided for, necessary
21 for the operation and maintenance, including training, or-
22 ganization, and administration, of the Navy Reserve; re-
23 pair of facilities and equipment; hire of passenger motor
24 vehicles; travel and transportation; care of the dead; re-

1 cruiting; procurement of services, supplies, and equip-
2 ment; and communications, \$1,237,638,000.

3 OPERATION AND MAINTENANCE, MARINE CORPS

4 RESERVE

5 For expenses, not otherwise provided for, necessary
6 for the operation and maintenance, including training, or-
7 ganization, and administration, of the Marine Corps Re-
8 serve; repair of facilities and equipment; hire of passenger
9 motor vehicles; travel and transportation; care of the dead;
10 recruiting; procurement of services, supplies, and equip-
11 ment; and communications, \$187,196,000.

12 OPERATION AND MAINTENANCE, AIR FORCE RESERVE

13 For expenses, not otherwise provided for, necessary
14 for the operation and maintenance, including training, or-
15 ganization, and administration, of the Air Force Reserve;
16 repair of facilities and equipment; hire of passenger motor
17 vehicles; travel and transportation; care of the dead; re-
18 cruiting; procurement of services, supplies, and equip-
19 ment; and communications, \$2,242,590,000.

20 OPERATION AND MAINTENANCE, ARMY NATIONAL

21 GUARD

22 For expenses of training, organizing, and admin-
23 istering the Army National Guard, including medical and
24 hospital treatment and related expenses in non-Federal
25 hospitals; maintenance, operation, and repairs to struc-

1 tures and facilities; hire of passenger motor vehicles; per-
2 sonnel services in the National Guard Bureau; travel ex-
3 penses (other than mileage), as authorized by law for
4 Army personnel on active duty, for Army National Guard
5 division, regimental, and battalion commanders while in-
6 specting units in compliance with National Guard Bureau
7 regulations when specifically authorized by the Chief, Na-
8 tional Guard Bureau; supplying and equipping the Army
9 National Guard as authorized by law; and expenses of re-
10 pair, modification, maintenance, and issue of supplies and
11 equipment (including aircraft), \$4,442,386,000.

12 OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

13 For expenses of training, organizing, and admin-
14 istering the Air National Guard, including medical and
15 hospital treatment and related expenses in non-Federal
16 hospitals; maintenance, operation, and repairs to struc-
17 tures and facilities; transportation of things, hire of pas-
18 senger motor vehicles; supplying and equipping the Air
19 National Guard, as authorized by law; expenses for repair,
20 modification, maintenance, and issue of supplies and
21 equipment, including those furnished from stocks under
22 the control of agencies of the Department of Defense;
23 travel expenses (other than mileage) on the same basis as
24 authorized by law for Air National Guard personnel on
25 active Federal duty, for Air National Guard commanders

1 while inspecting units in compliance with National Guard
2 Bureau regulations when specifically authorized by the
3 Chief, National Guard Bureau, \$4,472,738,000.

4 OVERSEAS CONTINGENCY OPERATIONS TRANSFER

5 ACCOUNT

6 (INCLUDING TRANSFER OF FUNDS)

7 For expenses directly relating to Overseas Contin-
8 gency Operations by United States military forces,
9 \$10,000,000, to remain available until expended: *Pro-*
10 *vided*, That the Secretary of Defense may transfer these
11 funds only to military personnel accounts; operation and
12 maintenance accounts within this title; the Defense Health
13 Program appropriation; procurement accounts; research,
14 development, test and evaluation accounts; and to working
15 capital funds: *Provided further*, That the funds transferred
16 shall be merged with and shall be available for the same
17 purposes and for the same time period, as the appropria-
18 tion to which transferred: *Provided further*, That upon a
19 determination that all or part of the funds transferred
20 from this appropriation are not necessary for the purposes
21 provided herein, such amounts may be transferred back
22 to this appropriation: *Provided further*, That the transfer
23 authority provided in this paragraph is in addition to any
24 other transfer authority contained elsewhere in this Act.

1 UNITED STATES COURT OF APPEALS FOR THE ARMED
2 FORCES

3 For salaries and expenses necessary for the United
4 States Court of Appeals for the Armed Forces,
5 \$10,825,000, of which not to exceed \$5,000 may be used
6 for official representation purposes.

7 ENVIRONMENTAL RESTORATION, ARMY
8 (INCLUDING TRANSFER OF FUNDS)

9 For the Department of the Army, \$400,948,000, to
10 remain available until transferred: *Provided*, That the Sec-
11 retary of the Army shall, upon determining that such
12 funds are required for environmental restoration, reduc-
13 tion and recycling of hazardous waste, removal of unsafe
14 buildings and debris of the Department of the Army, or
15 for similar purposes, transfer the funds made available by
16 this appropriation to other appropriations made available
17 to the Department of the Army, to be merged with and
18 to be available for the same purposes and for the same
19 time period as the appropriations to which transferred:
20 *Provided further*, That upon a determination that all or
21 part of the funds transferred from this appropriation are
22 not necessary for the purposes provided herein, such
23 amounts may be transferred back to this appropriation.

1 ENVIRONMENTAL RESTORATION, NAVY

2 (INCLUDING TRANSFER OF FUNDS)

3 For the Department of the Navy, \$266,820,000, to
4 remain available until transferred: *Provided*, That the Sec-
5 retary of the Navy shall, upon determining that such
6 funds are required for environmental restoration, reduc-
7 tion and recycling of hazardous waste, removal of unsafe
8 buildings and debris of the Department of the Navy, or
9 for similar purposes, transfer the funds made available by
10 this appropriation to other appropriations made available
11 to the Department of the Navy, to be merged with and
12 to be available for the same purposes and for the same
13 time period as the appropriations to which transferred:
14 *Provided further*, That upon a determination that all or
15 part of the funds transferred from this appropriation are
16 not necessary for the purposes provided herein, such
17 amounts may be transferred back to this appropriation.

18 ENVIRONMENTAL RESTORATION, AIR FORCE

19 (INCLUDING TRANSFER OF FUNDS)

20 For the Department of the Air Force, \$397,368,000,
21 to remain available until transferred: *Provided*, That the
22 Secretary of the Air Force shall, upon determining that
23 such funds are required for environmental restoration, re-
24 duction and recycling of hazardous waste, removal of un-
25 safe buildings and debris of the Department of the Air

1 Force, or for similar purposes, transfer the funds made
2 available by this appropriation to other appropriations
3 made available to the Department of the Air Force, to be
4 merged with and to be available for the same purposes
5 and for the same time period as the appropriations to
6 which transferred: *Provided further*, That upon a deter-
7 mination that all or part of the funds transferred from
8 this appropriation are not necessary for the purposes pro-
9 vided herein, such amounts may be transferred back to
10 this appropriation.

11 ENVIRONMENTAL RESTORATION, DEFENSE-WIDE
12 (INCLUDING TRANSFER OF FUNDS)

13 For the Department of Defense, \$23,684,000, to re-
14 main available until transferred: *Provided*, That the Sec-
15 retary of Defense shall, upon determining that such funds
16 are required for environmental restoration, reduction and
17 recycling of hazardous waste, removal of unsafe buildings
18 and debris of the Department of Defense, or for similar
19 purposes, transfer the funds made available by this appro-
20 priation to other appropriations made available to the De-
21 partment of Defense, to be merged with and to be avail-
22 able for the same purposes and for the same time period
23 as the appropriations to which transferred: *Provided fur-*
24 *ther*, That upon a determination that all or part of the
25 funds transferred from this appropriation are not nec-

1 essary for the purposes provided herein, such amounts
2 may be transferred back to this appropriation.

3 ENVIRONMENTAL RESTORATION, FORMERLY USED
4 DEFENSE SITES
5 (INCLUDING TRANSFER OF FUNDS)

6 For the Department of the Army, \$266,516,000, to
7 remain available until transferred: *Provided*, That the Sec-
8 retary of the Army shall, upon determining that such
9 funds are required for environmental restoration, reduc-
10 tion and recycling of hazardous waste, removal of unsafe
11 buildings and debris at sites formerly used by the Depart-
12 ment of Defense, transfer the funds made available by this
13 appropriation to other appropriations made available to
14 the Department of the Army, to be merged with and to
15 be available for the same purposes and for the same time
16 period as the appropriations to which transferred: *Pro-*
17 *vided further*, That upon a determination that all or part
18 of the funds transferred from this appropriation are not
19 necessary for the purposes provided herein, such amounts
20 may be transferred back to this appropriation.

21 OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

22 For expenses relating to the Overseas Humanitarian,
23 Disaster, and Civic Aid programs of the Department of
24 Defense (consisting of the programs provided under sec-
25 tions 401, 402, 404, 2557, and 2561 of title 10, United

1 States Code), \$59,000,000, to remain available until Sep-
2 tember 30, 2006.

3 FORMER SOVIET UNION THREAT REDUCTION ACCOUNT

4 For assistance to the republics of the former Soviet
5 Union, including assistance provided by contract or by
6 grants, for facilitating the elimination and the safe and
7 secure transportation and storage of nuclear, chemical and
8 other weapons; for establishing programs to prevent the
9 proliferation of weapons, weapons components, and weap-
10 on-related technology and expertise; for programs relating
11 to the training and support of defense and military per-
12 sonnel for demilitarization and protection of weapons,
13 weapons components and weapons technology and exper-
14 tise, and for defense and military contacts, \$409,200,000,
15 to remain available until September 30, 2007: *Provided,*
16 That of the amounts provided under this heading,
17 \$15,000,000 shall be available only to support the disman-
18 tling and disposal of nuclear submarines, submarine reac-
19 tor components, and security enhancements for transport
20 and storage of nuclear warheads in the Russian Far East.

1 TITLE III
2 PROCUREMENT
3 AIRCRAFT PROCUREMENT, ARMY

4 For construction, procurement, production, modifica-
5 tion, and modernization of aircraft, equipment, including
6 ordnance, ground handling equipment, spare parts, and
7 accessories therefor; specialized equipment and training
8 devices; expansion of public and private plants, including
9 the land necessary therefor, for the foregoing purposes,
10 and such lands and interests therein, may be acquired,
11 and construction prosecuted thereon prior to approval of
12 title; and procurement and installation of equipment, ap-
13 pliances, and machine tools in public and private plants;
14 reserve plant and Government and contractor-owned
15 equipment layaway; and other expenses necessary for the
16 foregoing purposes, \$2,854,541,000, to remain available
17 for obligation until September 30, 2007.

18 MISSILE PROCUREMENT, ARMY

19 For construction, procurement, production, modifica-
20 tion, and modernization of missiles, equipment, including
21 ordnance, ground handling equipment, spare parts, and
22 accessories therefor; specialized equipment and training
23 devices; expansion of public and private plants, including
24 the land necessary therefor, for the foregoing purposes,
25 and such lands and interests therein, may be acquired,

1 and construction prosecuted thereon prior to approval of
2 title; and procurement and installation of equipment, ap-
3 pliances, and machine tools in public and private plants;
4 reserve plant and Government and contractor-owned
5 equipment layaway; and other expenses necessary for the
6 foregoing purposes, \$1,307,000,000, to remain available
7 for obligation until September 30, 2007.

8 PROCUREMENT OF WEAPONS AND TRACKED COMBAT
9 VEHICLES, ARMY

10 For construction, procurement, production, and
11 modification of weapons and tracked combat vehicles,
12 equipment, including ordnance, spare parts, and acces-
13 sories therefor; specialized equipment and training devices;
14 expansion of public and private plants, including the land
15 necessary therefor, for the foregoing purposes, and such
16 lands and interests therein, may be acquired, and con-
17 struction prosecuted thereon prior to approval of title; and
18 procurement and installation of equipment, appliances,
19 and machine tools in public and private plants; reserve
20 plant and Government and contractor-owned equipment
21 layaway; and other expenses necessary for the foregoing
22 purposes, \$2,467,495,000, to remain available for obliga-
23 tion until September 30, 2007.

1 PROCUREMENT OF AMMUNITION, ARMY

2 For construction, procurement, production, and
3 modification of ammunition, and accessories therefor; spe-
4 cialized equipment and training devices; expansion of pub-
5 lic and private plants, including ammunition facilities au-
6 thorized by section 2854 of title 10, United States Code,
7 and the land necessary therefor, for the foregoing pur-
8 poses, and such lands and interests therein, may be ac-
9 quired, and construction prosecuted thereon prior to ap-
10 proval of title; and procurement and installation of equip-
11 ment, appliances, and machine tools in public and private
12 plants; reserve plant and Government and contractor-
13 owned equipment layaway; and other expenses necessary
14 for the foregoing purposes, \$1,590,952,000, to remain
15 available for obligation until September 30, 2007.

16 OTHER PROCUREMENT, ARMY

17 For construction, procurement, production, and
18 modification of vehicles, including tactical, support, and
19 non-tracked combat vehicles; the purchase of passenger
20 motor vehicles for replacement only; and the purchase of
21 1 vehicle required for physical security of personnel, not-
22 withstanding price limitations applicable to passenger ve-
23 hicles but not to exceed \$200,000 per vehicle; communica-
24 tions and electronic equipment; other support equipment;
25 spare parts, ordnance, and accessories therefor; specialized

1 equipment and training devices; expansion of public and
2 private plants, including the land necessary therefor, for
3 the foregoing purposes, and such lands and interests
4 therein, may be acquired, and construction prosecuted
5 thereon prior to approval of title; and procurement and
6 installation of equipment, appliances, and machine tools
7 in public and private plants; reserve plant and Govern-
8 ment and contractor-owned equipment layaway; and other
9 expenses necessary for the foregoing purposes,
10 \$4,955,296,000, to remain available for obligation until
11 September 30, 2007.

12 AIRCRAFT PROCUREMENT, NAVY

13 For construction, procurement, production, modifica-
14 tion, and modernization of aircraft, equipment, including
15 ordnance, spare parts, and accessories therefor; specialized
16 equipment; expansion of public and private plants, includ-
17 ing the land necessary therefor, and such lands and inter-
18 ests therein, may be acquired, and construction prosecuted
19 thereon prior to approval of title; and procurement and
20 installation of equipment, appliances, and machine tools
21 in public and private plants; reserve plant and Govern-
22 ment and contractor-owned equipment layaway,
23 \$8,912,042,000, to remain available for obligation until
24 September 30, 2007.

1 WEAPONS PROCUREMENT, NAVY

2 For construction, procurement, production, modifica-
3 tion, and modernization of missiles, torpedoes, other weap-
4 ons, and related support equipment including spare parts,
5 and accessories therefor; expansion of public and private
6 plants, including the land necessary therefor, and such
7 lands and interests therein, may be acquired, and con-
8 struction prosecuted thereon prior to approval of title; and
9 procurement and installation of equipment, appliances,
10 and machine tools in public and private plants; reserve
11 plant and Government and contractor-owned equipment
12 layaway, \$2,114,720,000, to remain available for obliga-
13 tion until September 30, 2007.

14 PROCUREMENT OF AMMUNITION, NAVY AND MARINE
15 CORPS

16 For construction, procurement, production, and
17 modification of ammunition, and accessories therefor; spe-
18 cialized equipment and training devices; expansion of pub-
19 lic and private plants, including ammunition facilities au-
20 thorized by section 2854 of title 10, United States Code,
21 and the land necessary therefor, for the foregoing pur-
22 poses, and such lands and interests therein, may be ac-
23 quired, and construction prosecuted thereon prior to ap-
24 proval of title; and procurement and installation of equip-
25 ment, appliances, and machine tools in public and private

1 plants; reserve plant and Government and contractor-
2 owned equipment layaway; and other expenses necessary
3 for the foregoing purposes, \$888,340,000, to remain avail-
4 able for obligation until September 30, 2007.

5 SHIPBUILDING AND CONVERSION, NAVY

6 For expenses necessary for the construction, acquisi-
7 tion, or conversion of vessels as authorized by law, includ-
8 ing armor and armament thereof, plant equipment, appli-
9 ances, and machine tools and installation thereof in public
10 and private plants; reserve plant and Government and con-
11 tractor-owned equipment layaway; procurement of critical,
12 long leadtime components and designs for vessels to be
13 constructed or converted in the future; and expansion of
14 public and private plants, including land necessary there-
15 for, and such lands and interests therein, may be acquired,
16 and construction prosecuted thereon prior to approval of
17 title, as follows:

18	Carrier Replacement Program (AP),
19	\$626,084,000;
20	NSSN, \$1,581,143,000;
21	NSSN (AP), \$871,864,000;
22	SSGN, \$469,226,000;
23	SSGN (AP), \$48,000,000;
24	CVN Refuelings (AP), \$333,061,000;
25	SSN Submarine Refuelings (AP), \$19,368,000;

1 SSBN Submarine Refuelings, \$262,229,000;
2 SSBN Submarine Refuelings (AP),
3 \$63,971,000;
4 DDG-51 Destroyer, \$3,444,950,000;
5 DD(X) (AP), \$305,516,000;
6 DDG-51 Destroyer Modernization,
7 \$50,000,000;
8 LPD-17, \$966,559,000;
9 LHD-8, \$236,018,000;
10 LHA-R (AP), \$150,000,000;
11 LCU (X), \$25,048,000;
12 LCAC Landing Craft Air Cushion,
13 \$90,490,000;
14 Prior year shipbuilding costs, \$484,390,000;
15 Service Craft, \$36,899,000;
16 Power Unit Assembly Facility, \$11,300,000;
17 and
18 For outfitting, post delivery, conversions, and
19 first destination transportation, \$351,327,000.
20 In all: \$10,427,443,000, to remain available for obli-
21 gation until September 30, 2009: *Provided*, That addi-
22 tional obligations may be incurred after September 30,
23 2009, for engineering services, tests, evaluations, and
24 other such budgeted work that must be performed in the
25 final stage of ship construction: *Provided further*, That

1 none of the funds provided under this heading for the con-
2 struction or conversion of any naval vessel to be con-
3 structed in shipyards in the United States shall be ex-
4 pended in foreign facilities for the construction of major
5 components of such vessel: *Provided further*, That none
6 of the funds provided under this heading shall be used
7 for the construction of any naval vessel in foreign ship-
8 yards.

9 OTHER PROCUREMENT, NAVY

10 For procurement, production, and modernization of
11 support equipment and materials not otherwise provided
12 for, Navy ordnance (except ordnance for new aircraft, new
13 ships, and ships authorized for conversion); the purchase
14 of passenger motor vehicles for replacement only, and the
15 purchase of 9 vehicles required for physical security of
16 personnel, notwithstanding price limitations applicable to
17 passenger vehicles but not to exceed \$200,000 per vehicle;
18 expansion of public and private plants, including the land
19 necessary therefor, and such lands and interests therein,
20 may be acquired, and construction prosecuted thereon
21 prior to approval of title; and procurement and installation
22 of equipment, appliances, and machine tools in public and
23 private plants; reserve plant and Government and con-
24 tractor-owned equipment layaway, \$4,875,786,000, to re-
25 main available for obligation until September 30, 2007:

1 *Provided*, That funds available in this appropriation may
2 be used for TRIDENT modifications associated with force
3 protection and security requirements.

4 PROCUREMENT, MARINE CORPS

5 For expenses necessary for the procurement, manu-
6 facture, and modification of missiles, armament, military
7 equipment, spare parts, and accessories therefor; plant
8 equipment, appliances, and machine tools, and installation
9 thereof in public and private plants; reserve plant and
10 Government and contractor-owned equipment layaway; ve-
11 hicles for the Marine Corps, including the purchase of pas-
12 senger motor vehicles for replacement only; and expansion
13 of public and private plants, including land necessary
14 therefor, and such lands and interests therein, may be ac-
15 quired, and construction prosecuted thereon prior to ap-
16 proval of title, \$1,432,203,000, to remain available for ob-
17 ligation until September 30, 2007.

18 AIRCRAFT PROCUREMENT, AIR FORCE

19 For construction, procurement, and modification of
20 aircraft and equipment, including armor and armament,
21 specialized ground handling equipment, and training de-
22 vices, spare parts, and accessories therefor; specialized
23 equipment; expansion of public and private plants, Gov-
24 ernment-owned equipment and installation thereof in such
25 plants, erection of structures, and acquisition of land, for

1 the foregoing purposes, and such lands and interests
2 therein, may be acquired, and construction prosecuted
3 thereon prior to approval of title; reserve plant and Gov-
4 ernment and contractor-owned equipment layaway; and
5 other expenses necessary for the foregoing purposes in-
6 cluding rents and transportation of things,
7 \$13,648,304,000, to remain available for obligation until
8 September 30, 2007: *Provided*, That amounts provided
9 under this heading shall be used for the procurement of
10 15 C-17 aircraft: *Provided further*, That amounts pro-
11 vided under this heading shall be used for the advance
12 procurement of not less than 15 C-17 aircraft: *Provided*
13 *further*, That the Secretary of the Air Force shall fully
14 fund the procurement of not less than 15 C-17 aircraft
15 in fiscal year 2006: *Provided further*, That the Secretary
16 of the Air Force shall allocate a reduction of \$158,600,000
17 proportionately to each budget activity, activity group,
18 subactivity group, and each program, project, and activity
19 funded by this appropriation.

20 MISSILE PROCUREMENT, AIR FORCE

21 For construction, procurement, and modification of
22 missiles, spacecraft, rockets, and related equipment, in-
23 cluding spare parts and accessories therefor, ground han-
24 dling equipment, and training devices; expansion of public
25 and private plants, Government-owned equipment and in-

1 stallation thereof in such plants, erection of structures,
2 and acquisition of land, for the foregoing purposes, and
3 such lands and interests therein, may be acquired, and
4 construction prosecuted thereon prior to approval of title;
5 reserve plant and Government and contractor-owned
6 equipment layaway; and other expenses necessary for the
7 foregoing purposes including rents and transportation of
8 things, \$4,458,113,000, to remain available for obligation
9 until September 30, 2007.

10 PROCUREMENT OF AMMUNITION, AIR FORCE

11 For construction, procurement, production, and
12 modification of ammunition, and accessories therefor; spe-
13 cialized equipment and training devices; expansion of pub-
14 lic and private plants, including ammunition facilities au-
15 thorized by section 2854 of title 10, United States Code,
16 and the land necessary therefor, for the foregoing pur-
17 poses, and such lands and interests therein, may be ac-
18 quired, and construction prosecuted thereon prior to ap-
19 proval of title; and procurement and installation of equip-
20 ment, appliances, and machine tools in public and private
21 plants; reserve plant and Government and contractor-
22 owned equipment layaway; and other expenses necessary
23 for the foregoing purposes, \$1,327,459,000, to remain
24 available for obligation until September 30, 2007.

1 OTHER PROCUREMENT, AIR FORCE

2 For procurement and modification of equipment (in-
3 cluding ground guidance and electronic control equipment,
4 and ground electronic and communication equipment),
5 and supplies, materials, and spare parts therefor, not oth-
6 erwise provided for; the purchase of passenger motor vehi-
7 cles for replacement only, and the purchase of 1 vehicle
8 required for physical security of personnel, notwith-
9 standing price limitations applicable to passenger vehicles
10 but not to exceed \$200,000 per vehicle; lease of passenger
11 motor vehicles; and expansion of public and private plants,
12 Government-owned equipment and installation thereof in
13 such plants, erection of structures, and acquisition of land,
14 for the foregoing purposes, and such lands and interests
15 therein, may be acquired, and construction prosecuted
16 thereon, prior to approval of title; reserve plant and Gov-
17 ernment and contractor-owned equipment layaway,
18 \$13,071,297,000, to remain available for obligation until
19 September 30, 2007.

20 PROCUREMENT, DEFENSE-WIDE

21 For expenses of activities and agencies of the Depart-
22 ment of Defense (other than the military departments)
23 necessary for procurement, production, and modification
24 of equipment, supplies, materials, and spare parts there-
25 for, not otherwise provided for; the purchase of passenger

1 motor vehicles for replacement only; expansion of public
2 and private plants, equipment, and installation thereof in
3 such plants, erection of structures, and acquisition of land
4 for the foregoing purposes, and such lands and interests
5 therein, may be acquired, and construction prosecuted
6 thereon prior to approval of title; reserve plant and Gov-
7 ernment and contractor-owned equipment layaway,
8 \$2,956,047,000, to remain available for obligation until
9 September 30, 2007.

10 NATIONAL GUARD AND RESERVE EQUIPMENT

11 For procurement of aircraft, missiles, tracked combat
12 vehicles, ammunition, other weapons, and other procure-
13 ment for the reserve components of the Armed Forces,
14 \$350,000,000, to remain available for obligation until Sep-
15 tember 30, 2007: *Provided*, That the Chiefs of the Reserve
16 and National Guard components shall, not later than 30
17 days after the enactment of this Act, individually submit
18 to the congressional defense committees the modernization
19 priority assessment for their respective Reserve or Na-
20 tional Guard component.

21 DEFENSE PRODUCTION ACT PURCHASES

22 For activities by the Department of Defense pursuant
23 to sections 108, 301, 302, and 303 of the Defense Produc-
24 tion Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and
25 2093), \$42,765,000, to remain available until expended.

1 TITLE IV
2 RESEARCH, DEVELOPMENT, TEST AND
3 EVALUATION
4 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
5 ARMY

6 For expenses necessary for basic and applied sci-
7 entific research, development, test and evaluation, includ-
8 ing maintenance, rehabilitation, lease, and operation of fa-
9 cilities and equipment, \$10,698,989,000, to remain avail-
10 able for obligation until September 30, 2006: *Provided*,
11 That of the amounts provided under this heading,
12 \$11,500,000 for Molecular Genetics and Musculoskeletal
13 Research in program element 0602787A shall remain
14 available until expended.

15 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
16 NAVY

17 For expenses necessary for basic and applied sci-
18 entific research, development, test and evaluation, includ-
19 ing maintenance, rehabilitation, lease, and operation of fa-
20 cilities and equipment, \$17,043,812,000, to remain avail-
21 able for obligation until September 30, 2006: *Provided*,
22 That funds appropriated in this paragraph which are
23 available for the V-22 may be used to meet unique oper-
24 ational requirements of the Special Operations Forces:

1 *Provided further*, That funds appropriated in this para-
2 graph shall be available for the Cobra Judy program.

3 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
4 AIR FORCE

5 For expenses necessary for basic and applied sci-
6 entific research, development, test and evaluation, includ-
7 ing maintenance, rehabilitation, lease, and operation of fa-
8 cilities and equipment, \$20,890,922,000, to remain avail-
9 able for obligation until September 30, 2006.

10 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
11 DEFENSE-WIDE

12 For expenses of activities and agencies of the Depart-
13 ment of Defense (other than the military departments),
14 necessary for basic and applied scientific research, devel-
15 opment, test and evaluation; advanced research projects
16 as may be designated and determined by the Secretary
17 of Defense, pursuant to law; maintenance, rehabilitation,
18 lease, and operation of facilities and equipment,
19 \$20,983,624,000, to remain available for obligation until
20 September 30, 2006.

21 OPERATIONAL TEST AND EVALUATION, DEFENSE

22 For expenses, not otherwise provided for, necessary
23 for the independent activities of the Director, Operational
24 Test and Evaluation, in the direction and supervision of
25 operational test and evaluation, including initial oper-

1 ational test and evaluation which is conducted prior to,
2 and in support of, production decisions; joint operational
3 testing and evaluation; and administrative expenses in
4 connection therewith, \$314,835,000, to remain available
5 for obligation until September 30, 2006.

1 TITLE V

2 REVOLVING AND MANAGEMENT FUNDS

3 DEFENSE WORKING CAPITAL FUNDS

4 For the Defense Working Capital Funds,
5 \$1,174,210,000.

6 NATIONAL DEFENSE SEALIFT FUND

7 For National Defense Sealift Fund programs,
8 projects, and activities, and for expenses of the National
9 Defense Reserve Fleet, as established by section 11 of the
10 Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744),
11 and for the necessary expenses to maintain and preserve
12 a U.S.-flag merchant fleet to serve the national security
13 needs of the United States, \$1,204,626,000, to remain
14 available until expended: *Provided*, That none of the funds
15 provided in this paragraph shall be used to award a new
16 contract that provides for the acquisition of any of the
17 following major components unless such components are
18 manufactured in the United States: auxiliary equipment,
19 including pumps, for all shipboard services; propulsion
20 system components (that is; engines, reduction gears, and
21 propellers); shipboard cranes; and spreaders for shipboard
22 cranes: *Provided further*, That the exercise of an option
23 in a contract awarded through the obligation of previously
24 appropriated funds shall not be considered to be the award
25 of a new contract: *Provided further*, That the Secretary

1 of the military department responsible for such procure-
2 ment may waive the restrictions in the first proviso on
3 a case-by-case basis by certifying in writing to the Com-
4 mittees on Appropriations of the House of Representatives
5 and the Senate that adequate domestic supplies are not
6 available to meet Department of Defense requirements on
7 a timely basis and that such an acquisition must be made
8 in order to acquire capability for national security pur-
9 poses.

1 TITLE VI
2 OTHER DEPARTMENT OF DEFENSE PROGRAMS
3 DEFENSE HEALTH PROGRAM

4 For expenses, not otherwise provided for, for medical
5 and health care programs of the Department of Defense,
6 as authorized by law, \$18,171,436,000, of which
7 \$17,297,419,000 shall be for Operation and maintenance,
8 of which not to exceed 2 percent shall remain available
9 until September 30, 2006, and of which up to
10 \$8,953,494,000 may be available for contracts entered
11 into under the TRICARE program; of which
12 \$367,035,000, to remain available for obligation until Sep-
13 tember 30, 2007, shall be for Procurement; and of which
14 \$506,982,000, to remain available for obligation until Sep-
15 tember 30, 2006, shall be for Research, development, test
16 and evaluation: *Provided*, That notwithstanding any other
17 provision of law, of the amount made available under this
18 heading for Operation and maintenance, \$9,500,000 shall
19 remain available until expended, and shall be available
20 only for deposit into the Army Fisher House Non-Appro-
21 priated Fund Instrumentality and shall be used in support
22 and upkeep of existing Fisher Houses managed by the
23 Army: *Provided further*, That notwithstanding any other
24 provision of law, of the amount made available under this
25 heading for Research, development, test and evaluation,

1 not less than \$7,500,000 shall be available for HIV pre-
2 vention educational activities undertaken in connection
3 with U.S. military training, exercises, and humanitarian
4 assistance activities conducted primarily in African na-
5 tions: *Provided further*, That Title VI of the Department
6 of Defense Appropriations Act, 2004, in the appropriation
7 for the Defense Health Program, is amended by adding
8 before the period a comma and the following: “and of
9 which not less than \$4,250,000 shall be available for HIV
10 prevention educational activities undertaken in connection
11 with U.S. military training, exercises, and humanitarian
12 assistance activities conducted primarily in African na-
13 tions”.

14 CHEMICAL AGENTS AND MUNITIONS DESTRUCTION,

15 ARMY

16 For expenses, not otherwise provided for, necessary
17 for the destruction of the United States stockpile of lethal
18 chemical agents and munitions in accordance with the pro-
19 visions of section 1412 of the Department of Defense Au-
20 thorization Act, 1986 (50 U.S.C. 1521), and for the de-
21 struction of other chemical warfare materials that are not
22 in the chemical weapon stockpile, \$1,372,990,000, of
23 which \$1,088,801,000 shall be for Operation and mainte-
24 nance; \$78,980,000 shall be for Procurement to remain
25 available until September 30, 2007; \$205,209,000 shall be

1 for Research, development, test and evaluation to remain
2 available until September 30, 2006; and no less than
3 \$137,404,000 may be for the Chemical Stockpile Emer-
4 gency Preparedness Program, of which \$44,631,000 shall
5 be for activities on military installations and \$92,773,000
6 shall be to assist State and local governments.

7 DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,

8 DEFENSE

9 (INCLUDING TRANSFER OF FUNDS)

10 For drug interdiction and counter-drug activities of
11 the Department of Defense, for transfer to appropriations
12 available to the Department of Defense for military per-
13 sonnel of the reserve components serving under the provi-
14 sions of title 10 and title 32, United States Code; for Op-
15 eration and maintenance; for Procurement; and for Re-
16 search, development, test and evaluation, \$906,522,000:
17 *Provided*, That the funds appropriated under this heading
18 shall be available for obligation for the same time period
19 and for the same purpose as the appropriation to which
20 transferred: *Provided further*, That upon a determination
21 that all or part of the funds transferred from this appro-
22 priation are not necessary for the purposes provided here-
23 in, such amounts may be transferred back to this appro-
24 priation: *Provided further*, That the transfer authority pro-

1 vided under this heading is in addition to any other trans-
2 fer authority contained elsewhere in this Act.

3 OFFICE OF THE INSPECTOR GENERAL

4 For expenses and activities of the Office of the In-
5 spector General in carrying out the provisions of the In-
6 spector General Act of 1978, as amended, \$204,562,000,
7 of which \$202,362,000 shall be for Operation and mainte-
8 nance, of which not to exceed \$700,000 is available for
9 emergencies and extraordinary expenses to be expended on
10 the approval or authority of the Inspector General, and
11 payments may be made on the Inspector General's certifi-
12 cate of necessity for confidential military purposes; and
13 of which \$2,100,000, to remain available until September
14 30, 2007, shall be for Procurement; and of which
15 \$100,000, to remain available until September 30, 2006,
16 shall be for Research, development, test and evaluation.

1 TITLE VII
2 RELATED AGENCIES
3 CENTRAL INTELLIGENCE AGENCY RETIREMENT AND
4 DISABILITY SYSTEM FUND

5 For payment to the Central Intelligence Agency Re-
6 tirement and Disability System Fund, to maintain the
7 proper funding level for continuing the operation of the
8 Central Intelligence Agency Retirement and Disability
9 System, \$239,400,000.

10 INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT
11 (INCLUDING TRANSFER OF FUNDS)

12 For necessary expenses of the Intelligence Commu-
13 nity Management Account, \$310,466,000, of which
14 \$26,953,000 for the Advanced Research and Development
15 Committee shall remain available until September 30,
16 2006: *Provided*, That of the funds appropriated under this
17 heading, \$39,422,000 shall be transferred to the Depart-
18 ment of Justice for the National Drug Intelligence Center
19 to support the Department of Defense's counter-drug in-
20 telligence responsibilities, and of the said amount,
21 \$1,500,000 for Procurement shall remain available until
22 September 30, 2007 and \$1,000,000 for Research, devel-
23 opment, test and evaluation shall remain available until
24 September 30, 2006: *Provided further*, That the National
25 Drug Intelligence Center shall maintain the personnel and

1 technical resources to provide timely support to law en-
2 forcement authorities and the intelligence community by
3 conducting document and computer exploitation of mate-
4 rials collected in Federal, State, and local law enforcement
5 activity associated with counter-drug, counter-terrorism,
6 and national security investigations and operations.

7 NATIONAL SECURITY EDUCATION TRUST FUND

8 For the purposes of title VIII of Public Law 102-
9 183, \$8,000,000, to be derived from the National Security
10 Education Trust Fund, to remain available until ex-
11 pended.

1

TITLE VIII

2

GENERAL PROVISIONS

3

SEC. 8001. No part of any appropriation contained
in this Act shall be used for publicity or propaganda pur-
poses not authorized by the Congress.

6

SEC. 8002. During the current fiscal year, provisions
of law prohibiting the payment of compensation to, or em-
ployment of, any person not a citizen of the United States
shall not apply to personnel of the Department of Defense:
Provided, That salary increases granted to direct and indi-
rect hire foreign national employees of the Department of
Defense funded by this Act shall not be at a rate in excess
of the percentage increase authorized by law for civilian
employees of the Department of Defense whose pay is
computed under the provisions of section 5332 of title 5,
United States Code, or at a rate in excess of the percent-
age increase provided by the appropriate host nation to
its own employees, whichever is higher: *Provided further*,
That this section shall not apply to Department of De-
fense foreign service national employees serving at United
States diplomatic missions whose pay is set by the Depart-
ment of State under the Foreign Service Act of 1980: *Pro-
vided further*, That the limitations of this provision shall
not apply to foreign national employees of the Department
of Defense in the Republic of Turkey.

1 SEC. 8003. No part of any appropriation contained
2 in this Act shall remain available for obligation beyond
3 the current fiscal year, unless expressly so provided herein.

4 SEC. 8004. No more than 20 percent of the appro-
5 priations in this Act which are limited for obligation dur-
6 ing the current fiscal year shall be obligated during the
7 last 2 months of the fiscal year: *Provided*, That this sec-
8 tion shall not apply to obligations for support of active
9 duty training of reserve components or summer camp
10 training of the Reserve Officers' Training Corps.

11 (TRANSFER OF FUNDS)

12 SEC. 8005. Upon determination by the Secretary of
13 Defense that such action is necessary in the national inter-
14 est, he may, with the approval of the Office of Manage-
15 ment and Budget, transfer not to exceed \$3,500,000,000
16 of working capital funds of the Department of Defense
17 or funds made available in this Act to the Department
18 of Defense for military functions (except military con-
19 struction) between such appropriations or funds or any
20 subdivision thereof, to be merged with and to be available
21 for the same purposes, and for the same time period, as
22 the appropriation or fund to which transferred: *Provided*,
23 That such authority to transfer may not be used unless
24 for higher priority items, based on unforeseen military re-
25 quirements, than those for which originally appropriated
26 and in no case where the item for which funds are re-

1 requested has been denied by the Congress: *Provided further*,
2 That the Secretary of Defense shall notify the Congress
3 promptly of all transfers made pursuant to this authority
4 or any other authority in this Act: *Provided further*, That
5 no part of the funds in this Act shall be available to pre-
6 pare or present a request to the Committees on Appropria-
7 tions for reprogramming of funds, unless for higher pri-
8 ority items, based on unforeseen military requirements,
9 than those for which originally appropriated and in no
10 case where the item for which reprogramming is requested
11 has been denied by the Congress: *Provided further*, That
12 a request for multiple reprogrammings of funds using au-
13 thority provided in this section must be made prior to
14 June 30, 2005: *Provided further*, That transfers among
15 military personnel appropriations shall not be taken into
16 account for purposes of the limitation on the amount of
17 funds that may be transferred under this section.

18 (TRANSFER OF FUNDS)

19 SEC. 8006. During the current fiscal year, cash bal-
20 ances in working capital funds of the Department of De-
21 fense established pursuant to section 2208 of title 10,
22 United States Code, may be maintained in only such
23 amounts as are necessary at any time for cash disburse-
24 ments to be made from such funds: *Provided*, That trans-
25 fers may be made between such funds: *Provided further*,
26 That transfers may be made between working capital

1 funds and the "Foreign Currency Fluctuations, Defense"
2 appropriation and the "Operation and Maintenance" ap-
3 propriation accounts in such amounts as may be deter-
4 mined by the Secretary of Defense, with the approval of
5 the Office of Management and Budget, except that such
6 transfers may not be made unless the Secretary of Defense
7 has notified the Congress of the proposed transfer. Except
8 in amounts equal to the amounts appropriated to working
9 capital funds in this Act, no obligations may be made
10 against a working capital fund to procure or increase the
11 value of war reserve material inventory, unless the Sec-
12 retary of Defense has notified the Congress prior to any
13 such obligation.

14 SEC. 8007. Funds appropriated by this Act may not
15 be used to initiate a special access program without prior
16 notification 30 calendar days in session in advance to the
17 congressional defense committees.

18 SEC. 8008. None of the funds provided in this Act
19 shall be available to initiate: (1) a multiyear contract that
20 employs economic order quantity procurement in excess of
21 \$20,000,000 in any 1 year of the contract or that includes
22 an unfunded contingent liability in excess of \$20,000,000;
23 or (2) a contract for advance procurement leading to a
24 multiyear contract that employs economic order quantity
25 procurement in excess of \$20,000,000 in any 1 year, un-

1 less the congressional defense committees have been noti-
2 fied at least 30 days in advance of the proposed contract
3 award: *Provided*, That no part of any appropriation con-
4 tained in this Act shall be available to initiate a multiyear
5 contract for which the economic order quantity advance
6 procurement is not funded at least to the limits of the
7 Government's liability: *Provided further*, That no part of
8 any appropriation contained in this Act shall be available
9 to initiate multiyear procurement contracts for any sys-
10 tems or component thereof if the value of the multiyear
11 contract would exceed \$500,000,000 unless specifically
12 provided in this Act: *Provided further*, That no multiyear
13 procurement contract can be terminated without 10-day
14 prior notification to the congressional defense committees:
15 *Provided further*, That the execution of multiyear author-
16 ity shall require the use of a present value analysis to de-
17 termine lowest cost compared to an annual procurement:
18 *Provided further*, That none of the funds provided in this
19 Act may be used for a multiyear contract executed after
20 the date of the enactment of this Act unless in the case
21 of any such contract—

22 (1) the Secretary of Defense has submitted to
23 Congress a budget request for full funding of units
24 to be procured through the contract;

1 (2) cancellation provisions in the contract do
2 not include consideration of recurring manufacturing
3 costs of the contractor associated with the produc-
4 tion of unfunded units to be delivered under the con-
5 tract;

6 (3) the contract provides that payments to the
7 contractor under the contract shall not be made in
8 advance of incurred costs on funded units; and

9 (4) the contract does not provide for a price ad-
10 justment based on a failure to award a follow-on
11 contract.

12 Funds appropriated in title III of this Act may be
13 used for a multiyear procurement contract as follows:

14 Lightweight 155mm Howitzer.

15 SEC. 8009. Within the funds appropriated for the op-
16 eration and maintenance of the Armed Forces, funds are
17 hereby appropriated pursuant to section 401 of title 10,
18 United States Code, for humanitarian and civic assistance
19 costs under chapter 20 of title 10, United States Code.
20 Such funds may also be obligated for humanitarian and
21 civic assistance costs incidental to authorized operations
22 and pursuant to authority granted in section 401 of chap-
23 ter 20 of title 10, United States Code, and these obliga-
24 tions shall be reported as required by section 401(d) of
25 title 10, United States Code: *Provided*, That funds avail-

1 able for operation and maintenance shall be available for
2 providing humanitarian and similar assistance by using
3 Civic Action Teams in the Trust Territories of the Pacific
4 Islands and freely associated states of Micronesia, pursu-
5 ant to the Compact of Free Association as authorized by
6 Public Law 99-239: *Provided further*, That upon a deter-
7 mination by the Secretary of the Army that such action
8 is beneficial for graduate medical education programs con-
9 ducted at Army medical facilities located in Hawaii, the
10 Secretary of the Army may authorize the provision of med-
11 ical services at such facilities and transportation to such
12 facilities, on a nonreimbursable basis, for civilian patients
13 from American Samoa, the Commonwealth of the North-
14 ern Mariana Islands, the Marshall Islands, the Federated
15 States of Micronesia, Palau, and Guam.

16 SEC. 8010. (a) During fiscal year 2005, the civilian
17 personnel of the Department of Defense may not be man-
18 aged on the basis of any end-strength, and the manage-
19 ment of such personnel during that fiscal year shall not
20 be subject to any constraint or limitation (known as an
21 end-strength) on the number of such personnel who may
22 be employed on the last day of such fiscal year.

23 (b) The fiscal year 2006 budget request for the De-
24 partment of Defense as well as all justification material
25 and other documentation supporting the fiscal year 2006

1 Department of Defense budget request shall be prepared
2 and submitted to the Congress as if subsections (a) and
3 (b) of this provision were effective with regard to fiscal
4 year 2006.

5 (c) Nothing in this section shall be construed to apply
6 to military (civilian) technicians.

7 SEC. 8011. None of the funds appropriated in this
8 or any other Act may be used to initiate a new installation
9 overseas without 30-day advance notification to the Com-
10 mittees on Appropriations.

11 SEC. 8012. None of the funds made available by this
12 Act shall be used in any way, directly or indirectly, to in-
13 fluence congressional action on any legislation or appro-
14 priation matters pending before the Congress.

15 SEC. 8013. None of the funds appropriated by this
16 Act shall be available for the basic pay and allowances of
17 any member of the Army participating as a full-time stu-
18 dent and receiving benefits paid by the Secretary of Vet-
19 erans Affairs from the Department of Defense Education
20 Benefits Fund when time spent as a full-time student is
21 credited toward completion of a service commitment: *Pro-*
22 *vided*, That this subsection shall not apply to those mem-
23 bers who have reenlisted with this option prior to October
24 1, 1987: *Provided further*, That this subsection applies
25 only to active components of the Army.

1 SEC. 8014. (a) LIMITATION ON CONVERSION TO
2 CONTRACTOR PERFORMANCE.—None of the funds appro-
3 priated by this Act shall be available to convert to con-
4 tractor performance an activity or function of the Depart-
5 ment of Defense that, on or after the date of the enact-
6 ment of this Act, is performed by more than 10 Depart-
7 ment of Defense civilian employees unless—

8 (1) the conversion is based on the result of a
9 public-private competition that includes a most effi-
10 cient and cost effective organization plan developed
11 by such activity or function;

12 (2) the Competitive Sourcing Official deter-
13 mines that, over all performance periods stated in
14 the solicitation of offers for performance of the ac-
15 tivity or function, the cost of performance of the ac-
16 tivity or function by a contractor would be less costly
17 to the Department of Defense by an amount that
18 equals or exceeds the lesser of—

19 (A) 10 percent of the most efficient organi-
20 zation's personnel-related costs for performance
21 of that activity or function by Federal employ-
22 ees; or

23 (B) \$10,000,000; and

1 (3) the contractor does not receive an advan-
2 tage for a proposal that would reduce costs for the
3 Department of Defense by—

4 (A) not making an employer-sponsored
5 health insurance plan available to the workers
6 who are to be employed in the performance of
7 that activity or function under the contract; or

8 (B) offering to such workers an employer-
9 sponsored health benefits plan that requires the
10 employer to contribute less towards the pre-
11 mium or subscription share than the amount
12 that is paid by the Department of Defense for
13 health benefits for civilian employees under
14 chapter 89 of title 5, United States Code.

15 (b) EXCEPTIONS.—

16 (1) The Department of Defense, without regard
17 to subsection (a) of this section or subsections (a),
18 (b), or (c) of section 2461 of title 10, United States
19 Code, and notwithstanding any administrative regu-
20 lation, requirement, or policy to the contrary shall
21 have full authority to enter into a contract for the
22 performance of any commercial or industrial type
23 function of the Department of Defense that—

1 (A) is included on the procurement list es-
2 tablished pursuant to section 2 of the Javits-
3 Wagner-O'Day Act (41 U.S.C. 47);

4 (B) is planned to be converted to perform-
5 ance by a qualified nonprofit agency for the
6 blind or by a qualified nonprofit agency for
7 other severely handicapped individuals in ac-
8 cordance with that Act; or

9 (C) is planned to be converted to perform-
10 ance by a qualified firm under at least 51 per-
11 cent ownership by an Indian tribe, as defined in
12 section 4(e) of the Indian Self-Determination
13 and Education Assistance Act (25 U.S.C.
14 450b(e)), or a Native Hawaiian Organization,
15 as defined in section 8(a)(15) of the Small
16 Business Act (15 U.S.C. 637(a)(15)).

17 (2) This section shall not apply to depot con-
18 tracts or contracts for depot maintenance as pro-
19 vided in sections 2469 and 2474 of title 10, United
20 States Code.

21 (c) TREATMENT OF CONVERSION.—The conversion
22 of any activity or function of the Department of Defense
23 under the authority provided by this section shall be cred-
24 ited toward any competitive or outsourcing goal, target,
25 or measurement that may be established by statute, regu-

1 lation, or policy and is deemed to be awarded under the
2 authority of, and in compliance with, subsection (h) of sec-
3 tion 2304 of title 10, United States Code, for the competi-
4 tion or outsourcing of commercial activities.

5 (TRANSFER OF FUNDS)

6 SEC. 8015. Funds appropriated in title III of this Act
7 for the Department of Defense Pilot Mentor-Protege Pro-
8 gram may be transferred to any other appropriation con-
9 tained in this Act solely for the purpose of implementing
10 a Mentor-Protege Program developmental assistance
11 agreement pursuant to section 831 of the National De-
12 fense Authorization Act for Fiscal Year 1991 (Public Law
13 101-510; 10 U.S.C. 2302 note), as amended, under the
14 authority of this provision or any other transfer authority
15 contained in this Act.

16 SEC. 8016. None of the funds in this Act may be
17 available for the purchase by the Department of Defense
18 (and its departments and agencies) of welded shipboard
19 anchor and mooring chain 4 inches in diameter and under
20 unless the anchor and mooring chain are manufactured
21 in the United States from components which are substan-
22 tially manufactured in the United States: *Provided*, That
23 for the purpose of this section manufactured will include
24 cutting, heat treating, quality control, testing of chain and
25 welding (including the forging and shot blasting process):
26 *Provided further*, That for the purpose of this section sub-

1 stantially all of the components of anchor and mooring
2 chain shall be considered to be produced or manufactured
3 in the United States if the aggregate cost of the compo-
4 nents produced or manufactured in the United States ex-
5 ceeds the aggregate cost of the components produced or
6 manufactured outside the United States: *Provided further*,
7 That when adequate domestic supplies are not available
8 to meet Department of Defense requirements on a timely
9 basis, the Secretary of the service responsible for the pro-
10 curement may waive this restriction on a case-by-case
11 basis by certifying in writing to the Committees on Appro-
12 priations that such an acquisition must be made in order
13 to acquire capability for national security purposes.

14 SEC. 8017. None of the funds appropriated by this
15 Act available for the Civilian Health and Medical Program
16 of the Uniformed Services (CHAMPUS) or TRICARE
17 shall be available for the reimbursement of any health care
18 provider for inpatient mental health service for care re-
19 ceived when a patient is referred to a provider of inpatient
20 mental health care or residential treatment care by a med-
21 ical or health care professional having an economic inter-
22 est in the facility to which the patient is referred: *Pro-*
23 *vided*, That this limitation does not apply in the case of
24 inpatient mental health services provided under the pro-
25 gram for persons with disabilities under subsection (d) of

1 section 1079 of title 10, United States Code, provided as
2 partial hospital care, or provided pursuant to a waiver au-
3 thorized by the Secretary of Defense because of medical
4 or psychological circumstances of the patient that are con-
5 firmed by a health professional who is not a Federal em-
6 ployee after a review, pursuant to rules prescribed by the
7 Secretary, which takes into account the appropriate level
8 of care for the patient, the intensity of services required
9 by the patient, and the availability of that care.

10 SEC. 8018. Notwithstanding any other provision of
11 law, during the current fiscal year and hereafter, the Sec-
12 retary of Defense may, by executive agreement, establish
13 with host nation governments in NATO member states a
14 separate account into which such residual value amounts
15 negotiated in the return of United States military installa-
16 tions in NATO member states may be deposited, in the
17 currency of the host nation, in lieu of direct monetary
18 transfers to the United States Treasury: *Provided*, That
19 such credits may be utilized only for the construction of
20 facilities to support United States military forces in that
21 host nation, or such real property maintenance and base
22 operating costs that are currently executed through mone-
23 tary transfers to such host nations: *Provided further*, That
24 the Department of Defense's budget submission for subse-
25 quent fiscal years shall identify such sums anticipated in

1 residual value settlements, and identify such construction,
2 real property maintenance or base operating costs that
3 shall be funded by the host nation through such credits:
4 *Provided further*, That all military construction projects
5 to be executed from such accounts must be previously ap-
6 proved in a prior Act of Congress: *Provided further*, That
7 each such executive agreement with a NATO member host
8 nation shall be reported to the congressional defense com-
9 mittees, the Committee on International Relations of the
10 House of Representatives and the Committee on Foreign
11 Relations of the Senate 30 days prior to the conclusion
12 and endorsement of any such agreement established under
13 this provision.

14 SEC. 8019. None of the funds available to the De-
15 partment of Defense may be used to demilitarize or dis-
16 pose of M-1 Carbines, M-1 Garand rifles, M-14 rifles,
17 .22 caliber rifles, .30 caliber rifles, or M-1911 pistols.

18 SEC. 8020. No more than \$500,000 of the funds ap-
19 propriated or made available in this Act shall be used dur-
20 ing a single fiscal year for any single relocation of an orga-
21 nization, unit, activity or function of the Department of
22 Defense into or within the National Capital Region: *Pro-*
23 *vided*, That the Secretary of Defense may waive this re-
24 striction on a case-by-case basis by certifying in writing

1 to the congressional defense committees that such a relo-
2 cation is required in the best interest of the Government.

3 SEC. 8021. In addition to the funds provided else-
4 where in this Act, \$8,000,000 is appropriated only for in-
5 centive payments authorized by section 504 of the Indian
6 Financing Act of 1974 (25 U.S.C. 1544): *Provided*, That
7 a prime contractor or a subcontractor at any tier that
8 makes a subcontract award to any subcontractor or sup-
9 plier as defined in 25 U.S.C. 1544 or a small business
10 owned and controlled by an individual or individuals de-
11 fined under 25 U.S.C. 4221(9) shall be considered a con-
12 tractor for the purposes of being allowed additional com-
13 pensation under section 504 of the Indian Financing Act
14 of 1974 (25 U.S.C. 1544) whenever the prime contract
15 or subcontract amount is over \$500,000 and involves the
16 expenditure of funds appropriated by an Act making Ap-
17 propriations for the Department of Defense with respect
18 to any fiscal year: *Provided further*, That notwithstanding
19 41 U.S.C. 430, this section shall be applicable to any De-
20 partment of Defense acquisition of supplies or services, in-
21 cluding any contract and any subcontract at any tier for
22 acquisition of commercial items produced or manufac-
23 tured, in whole or in part by any subcontractor or supplier
24 defined in 25 U.S.C. 1544 or a small business owned and
25 controlled by an individual or individuals defined under

1 25 U.S.C. 4221(9): *Provided further*, That businesses cer-
2 tified as 8(a) by the Small Business Administration pursu-
3 ant to section 8(a)(15) of Public Law 85-536, as amend-
4 ed, shall have the same status as other program partici-
5 pants under section 602 of Public Law 100-656, 102
6 Stat. 3825 (Business Opportunity Development Reform
7 Act of 1988) for purposes of contracting with agencies of
8 the Department of Defense.

9 SEC. 8022. None of the funds appropriated by this
10 Act shall be available to perform any cost study pursuant
11 to the provisions of OMB Circular A-76 if the study being
12 performed exceeds a period of 24 months after initiation
13 of such study with respect to a single function activity or
14 30 months after initiation of such study for a multi-func-
15 tion activity.

16 SEC. 8023. Funds appropriated by this Act for the
17 American Forces Information Service shall not be used for
18 any national or international political or psychological ac-
19 tivities.

20 SEC. 8024. Notwithstanding any other provision of
21 law or regulation, the Secretary of Defense may adjust
22 wage rates for civilian employees hired for certain health
23 care occupations as authorized for the Secretary of Vet-
24 erans Affairs by section 7455 of title 38, United States
25 Code.

1 SEC. 8025. (a) Of the amount appropriated by title
2 II under the heading "OPERATION AND MAINTENANCE,
3 AIR FORCE", up to \$2,500,000 may be used for the acqui-
4 sition of Native Allotment F-14589 by the Secretary of
5 the Air Force in accordance with this section (including
6 for the appraisal under this section), and for fully compen-
7 sating the owners of such allotment for the damages
8 caused to such owners by Air Force occupancy of property
9 comprising that allotment.

10 (b) The acquisition under this section may be made
11 only with the consent of the owners of Native Allotment
12 F-14589 and only for the appraised fair marked value of
13 that allotment, as determined by the appraiser under sub-
14 section (c).

15 (c) Not later than 60 days after the date of the enact-
16 ment of this Act, the Secretary of the Air Force shall se-
17 lect, jointly with the owners of Native Allotment F-14589,
18 and retain a qualified appraiser to appraise the fair mar-
19 ket value of that allotment. The appraiser shall be an ap-
20 praiser who is independent of the Department of the Air
21 Force and the owners of the allotment. The Secretary shall
22 ensure that the appraiser completes the appraisal not later
23 than 180 days after the date of the enactment of this Act.
24 The Secretary shall pay the costs of the appraisal.

1 (d) The Secretary of the Air Force shall complete the
2 acquisition of Native Allotment F-14589 not later than
3 September 30, 2005, subject to the conditions set forth
4 in subsection (b).

5 SEC. 8026. During the current fiscal year, the De-
6 partment of Defense is authorized to incur obligations of
7 not to exceed \$350,000,000 for purposes specified in sec-
8 tion 2350j(c) of title 10, United States Code, in anticipa-
9 tion of receipt of contributions, only from the Government
10 of Kuwait, under that section: *Provided*, That upon re-
11 ceipt, such contributions from the Government of Kuwait
12 shall be credited to the appropriations or fund which in-
13 curred such obligations.

14 (INCLUDING TRANSFER OF FUNDS)

15 SEC. 8027. (a) Of the funds made available in this
16 Act, not less than \$24,971,000 shall be available for the
17 Civil Air Patrol Corporation, of which—

18 (1) \$21,588,000 shall be available from “Oper-
19 ation and Maintenance, Air Force” to support Civil
20 Air Patrol Corporation operation and maintenance,
21 readiness, counterdrug activities, and drug demand
22 reduction activities involving youth programs;

23 (2) \$2,581,000 shall be available from “Aircraft
24 Procurement, Air Force”; and

25 (3) \$802,000 shall be available from “Other
26 Procurement, Air Force” for vehicle procurement.

1 (b) The Secretary of the Air Force should waive reim-
2 bursement for any funds used by the Civil Air Patrol for
3 counter-drug activities in support of Federal, State, and
4 local government agencies.

5 SEC. 8028. (a) None of the funds appropriated in this
6 Act are available to establish a new Department of De-
7 fense (department) federally funded research and develop-
8 ment center (FFRDC), either as a new entity, or as a
9 separate entity administrated by an organization man-
10 aging another FFRDC, or as a nonprofit membership cor-
11 poration consisting of a consortium of other FFRDCs and
12 other non-profit entities.

13 (b) No member of a Board of Directors, Trustees,
14 Overseers, Advisory Group, Special Issues Panel, Visiting
15 Committee, or any similar entity of a defense FFRDC,
16 and no paid consultant to any defense FFRDC, except
17 when acting in a technical advisory capacity, may be com-
18 pensated for his or her services as a member of such enti-
19 ty, or as a paid consultant by more than one FFRDC in
20 a fiscal year: *Provided*, That a member of any such entity
21 referred to previously in this subsection shall be allowed
22 travel expenses and per diem as authorized under the Fed-
23 eral Joint Travel Regulations, when engaged in the per-
24 formance of membership duties.

1 (c) Notwithstanding any other provision of law, none
2 of the funds available to the department from any source
3 during fiscal year 2005 may be used by a defense FFRDC,
4 through a fee or other payment mechanism, for construc-
5 tion of new buildings, for payment of cost sharing for
6 projects funded by Government grants, for absorption of
7 contract overruns, or for certain charitable contributions,
8 not to include employee participation in community service
9 and/or development.

10 (d) Notwithstanding any other provision of law, of
11 the funds available to the department during fiscal year
12 2005, not more than 5,400 staff years of technical effort
13 (staff years) may be funded for defense FFRDCs: *Pro-*
14 *vided*, That of the specific amount referred to previously
15 in this subsection, not more than 1,050 staff years may
16 be funded for the defense studies and analysis FFRDCs:
17 *Provided further*, That this subsection shall not apply to
18 staff years funded in the National Foreign Intelligence
19 Program (NFIP).

20 (e) The Secretary of Defense shall, with the submis-
21 sion of the department's fiscal year 2006 budget request,
22 submit a report presenting the specific amounts of staff
23 years of technical effort to be allocated for each defense
24 FFRDC during that fiscal year.

1 (f) Notwithstanding any other provision of this Act,
2 the total amount appropriated in this Act for FFRDCs
3 is hereby reduced by \$125,000,000.

4 SEC. 8029. None of the funds appropriated or made
5 available in this Act shall be used to procure carbon, alloy
6 or armor steel plate for use in any Government-owned fa-
7 cility or property under the control of the Department of
8 Defense which were not melted and rolled in the United
9 States or Canada: *Provided*, That these procurement re-
10 strictions shall apply to any and all Federal Supply Class
11 9515, American Society of Testing and Materials (ASTM)
12 or American Iron and Steel Institute (AISI) specifications
13 of carbon, alloy or armor steel plate: *Provided further*,
14 That the Secretary of the military department responsible
15 for the procurement may waive this restriction on a case-
16 by-case basis by certifying in writing to the Committees
17 on Appropriations of the House of Representatives and the
18 Senate that adequate domestic supplies are not available
19 to meet Department of Defense requirements on a timely
20 basis and that such an acquisition must be made in order
21 to acquire capability for national security purposes: *Pro-*
22 *vided further*, That these restrictions shall not apply to
23 contracts which are in being as of the date of the enact-
24 ment of this Act.

1 SEC. 8030. For the purposes of this Act, the term
2 “congressional defense committees” means the Armed
3 Services Committee of the House of Representatives, the
4 Armed Services Committee of the Senate, the Sub-
5 committee on Defense of the Committee on Appropriations
6 of the Senate, and the Subcommittee on Defense of the
7 Committee on Appropriations of the House of Representa-
8 tives.

9 SEC. 8031. During the current fiscal year, the De-
10 partment of Defense may acquire the modification, depot
11 maintenance and repair of aircraft, vehicles and vessels
12 as well as the production of components and other De-
13 fense-related articles, through competition between De-
14 partment of Defense depot maintenance activities and pri-
15 vate firms: *Provided*, That the Senior Acquisition Execu-
16 tive of the military department or Defense Agency con-
17 cerned, with power of delegation, shall certify that success-
18 ful bids include comparable estimates of all direct and in-
19 direct costs for both public and private bids: *Provided fur-*
20 *ther*, That Office of Management and Budget Circular A-
21 76 shall not apply to competitions conducted under this
22 section.

23 SEC. 8032. (a)(1) If the Secretary of Defense, after
24 consultation with the United States Trade Representative,
25 determines that a foreign country which is party to an

1 agreement described in paragraph (2) has violated the
2 terms of the agreement by discriminating against certain
3 types of products produced in the United States that are
4 covered by the agreement, the Secretary of Defense shall
5 rescind the Secretary's blanket waiver of the Buy Amer-
6 ican Act with respect to such types of products produced
7 in that foreign country.

8 (2) An agreement referred to in paragraph (1) is any
9 reciprocal defense procurement memorandum of under-
10 standing, between the United States and a foreign country
11 pursuant to which the Secretary of Defense has prospec-
12 tively waived the Buy American Act for certain products
13 in that country.

14 (b) The Secretary of Defense shall submit to the Con-
15 gress a report on the amount of Department of Defense
16 purchases from foreign entities in fiscal year 2005. Such
17 report shall separately indicate the dollar value of items
18 for which the Buy American Act was waived pursuant to
19 any agreement described in subsection (a)(2), the Trade
20 Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any
21 international agreement to which the United States is a
22 party.

23 (c) For purposes of this section, the term "Buy
24 American Act" means title III of the Act entitled "An Act
25 making appropriations for the Treasury and Post Office

1 Departments for the fiscal year ending June 30, 1934,
2 and for other purposes", approved March 3, 1933 (41
3 U.S.C. 10a et seq.).

4 SEC. 8033. Appropriations contained in this Act that
5 remain available at the end of the current fiscal year, and
6 at the end of each fiscal year hereafter, as a result of en-
7 ergy cost savings realized by the Department of Defense
8 shall remain available for obligation for the next fiscal
9 year to the extent, and for the purposes, provided in sec-
10 tion 2865 of title 10, United States Code.

11 (INCLUDING TRANSFER OF FUNDS)

12 SEC. 8034. Amounts deposited during the current fis-
13 cal year and hereafter to the special account established
14 under 40 U.S.C. 572(b)(5)(A) and to the special account
15 established under 10 U.S.C. 2667(d)(1) are appropriated
16 and shall be available until transferred by the Secretary
17 of Defense to current applicable appropriations or funds
18 of the Department of Defense under the terms and condi-
19 tions specified by 40 U.S.C. 572(b)(5)(B) and 10 U.S.C.
20 2667(d)(1)(B), to be merged with and to be available for
21 the same time period and the same purposes as the appro-
22 priation to which transferred.

23 SEC. 8035. None of the funds appropriated in this
24 Act shall be used to study, demonstrate, or implement any
25 plans privatizing, divesting or transferring of any Civil
26 Works missions, functions, or responsibilities for the

1 United States Army Corps of Engineers to other govern-
2 ment agencies without specific direction in a subsequent
3 Act of Congress.

4 SEC. 8036. The President shall include with each
5 budget for a fiscal year submitted to the Congress under
6 section 1105 of title 31, United States Code, materials
7 that shall identify clearly and separately the amounts re-
8 quested in the budget for appropriation for that fiscal year
9 for salaries and expenses related to administrative activi-
10 ties of the Department of Defense, the military depart-
11 ments, and the defense agencies.

12 SEC. 8037. Notwithstanding any other provision of
13 law, funds available during the current fiscal year and
14 hereafter for “Drug Interdiction and Counter-Drug Activi-
15 ties, Defense” may be obligated for the Young Marines
16 program.

17 (INCLUDING TRANSFER OF FUNDS)

18 SEC. 8038. During the current fiscal year, amounts
19 contained in the Department of Defense Overseas Military
20 Facility Investment Recovery Account established by sec-
21 tion 2921(c)(1) of the National Defense Authorization Act
22 of 1991 (Public Law 101–510; 10 U.S.C. 2687 note) shall
23 be available until expended for the payments specified by
24 section 2921(c)(2) of that Act.

25 SEC. 8039. (a) IN GENERAL.—Notwithstanding any
26 other provision of law, the Secretary of the Air Force may

1 convey at no cost to the Air Force, without consideration,
2 to Indian tribes located in the States of North Dakota,
3 South Dakota, Montana, and Minnesota relocatable mili-
4 tary housing units located at Grand Forks Air Force Base
5 and Minot Air Force Base that are excess to the needs
6 of the Air Force.

7 (b) PROCESSING OF REQUESTS.—The Secretary of
8 the Air Force shall convey, at no cost to the Air Force,
9 military housing units under subsection (a) in accordance
10 with the request for such units that are submitted to the
11 Secretary by the Operation Walking Shield Program on
12 behalf of Indian tribes located in the States of North Da-
13 kota, South Dakota, Montana, and Minnesota.

14 (c) RESOLUTION OF HOUSING UNIT CONFLICTS.—
15 The Operation Walking Shield Program shall resolve any
16 conflicts among requests of Indian tribes for housing units
17 under subsection (a) before submitting requests to the
18 Secretary of the Air Force under subsection (b).

19 (d) INDIAN TRIBE DEFINED.—In this section, the
20 term “Indian tribe” means any recognized Indian tribe in-
21 cluded on the current list published by the Secretary of
22 the Interior under section 104 of the Federally Recognized
23 Indian Tribe Act of 1994 (Public Law 103–454; 108 Stat.
24 4792; 25 U.S.C. 479a–1).

1 SEC. 8040. During the current fiscal year, appropria-
2 tions which are available to the Department of Defense
3 for operation and maintenance may be used to purchase
4 items having an investment item unit cost of not more
5 than \$250,000.

6 SEC. 8041. (a) During the current fiscal year, none
7 of the appropriations or funds available to the Department
8 of Defense Working Capital Funds shall be used for the
9 purchase of an investment item for the purpose of acquir-
10 ing a new inventory item for sale or anticipated sale dur-
11 ing the current fiscal year or a subsequent fiscal year to
12 customers of the Department of Defense Working Capital
13 Funds if such an item would not have been chargeable
14 to the Department of Defense Business Operations Fund
15 during fiscal year 1994 and if the purchase of such an
16 investment item would be chargeable during the current
17 fiscal year to appropriations made to the Department of
18 Defense for procurement.

19 (b) The fiscal year 2006 budget request for the De-
20 partment of Defense as well as all justification material
21 and other documentation supporting the fiscal year 2006
22 Department of Defense budget shall be prepared and sub-
23 mitted to the Congress on the basis that any equipment
24 which was classified as an end item and funded in a pro-
25 curement appropriation contained in this Act shall be

1 budgeted for in a proposed fiscal year 2006 procurement
2 appropriation and not in the supply management business
3 area or any other area or category of the Department of
4 Defense Working Capital Funds.

5 SEC. 8042. None of the funds appropriated by this
6 Act for programs of the Central Intelligence Agency shall
7 remain available for obligation beyond the current fiscal
8 year, except for funds appropriated for the Reserve for
9 Contingencies, which shall remain available until Sep-
10 tember 30, 2006: *Provided*, That funds appropriated,
11 transferred, or otherwise credited to the Central Intel-
12 ligence Agency Central Services Working Capital Fund
13 during this or any prior or subsequent fiscal year shall
14 remain available until expended: *Provided further*, That
15 any funds appropriated or transferred to the Central Intel-
16 ligence Agency for advanced research and development ac-
17 quisition, for agent operations, and for covert action pro-
18 grams authorized by the President under section 503 of
19 the National Security Act of 1947, as amended, shall re-
20 main available until September 30, 2006.

21 SEC. 8043. Notwithstanding any other provision of
22 law, funds made available in this Act for the Defense In-
23 telligence Agency may be used for the design, develop-
24 ment, and deployment of General Defense Intelligence
25 Program intelligence communications and intelligence in-

1 formation systems for the Services, the Unified and Speci-
2 fied Commands, and the component commands.

3 SEC. 8044. Of the funds appropriated to the Depart-
4 ment of Defense under the heading "Operation and Main-
5 tenance, Defense-Wide", not less than \$10,000,000 shall
6 be made available only for the mitigation of environmental
7 impacts, including training and technical assistance to
8 tribes, related administrative support, the gathering of in-
9 formation, documenting of environmental damage, and de-
10 veloping a system for prioritization of mitigation and cost
11 to complete estimates for mitigation, on Indian lands re-
12 sulting from Department of Defense activities.

13 SEC. 8045. (a) None of the funds appropriated in this
14 Act may be expended by an entity of the Department of
15 Defense unless the entity, in expending the funds, com-
16 plies with the Buy American Act. For purposes of this
17 subsection, the term "Buy American Act" means title III
18 of the Act entitled "An Act making appropriations for the
19 Treasury and Post Office Departments for the fiscal year
20 ending June 30, 1934, and for other purposes", approved
21 March 3, 1933 (41 U.S.C. 10a et seq.).

22 (b) If the Secretary of Defense determines that a per-
23 son has been convicted of intentionally affixing a label
24 bearing a "Made in America" inscription to any product
25 sold in or shipped to the United States that is not made

1 in America, the Secretary shall determine, in accordance
2 with section 2410f of title 10, United States Code, wheth-
3 er the person should be debarred from contracting with
4 the Department of Defense.

5 (c) In the case of any equipment or products pur-
6 chased with appropriations provided under this Act, it is
7 the sense of the Congress that any entity of the Depart-
8 ment of Defense, in expending the appropriation, purchase
9 only American-made equipment and products, provided
10 that American-made equipment and products are cost-
11 competitive, quality-competitive, and available in a timely
12 fashion.

13 SEC. 8046. None of the funds appropriated by this
14 Act shall be available for a contract for studies, analysis,
15 or consulting services entered into without competition on
16 the basis of an unsolicited proposal unless the head of the
17 activity responsible for the procurement determines—

18 (1) as a result of thorough technical evaluation,
19 only one source is found fully qualified to perform
20 the proposed work;

21 (2) the purpose of the contract is to explore an
22 unsolicited proposal which offers significant sci-
23 entific or technological promise, represents the prod-
24 uct of original thinking, and was submitted in con-
25 fidence by one source; or

1 (3) the purpose of the contract is to take ad-
2 vantage of unique and significant industrial accom-
3 plishment by a specific concern, or to insure that a
4 new product or idea of a specific concern is given fi-
5 nancial support: *Provided*, That this limitation shall
6 not apply to contracts in an amount of less than
7 \$25,000, contracts related to improvements of equip-
8 ment that is in development or production, or con-
9 tracts as to which a civilian official of the Depart-
10 ment of Defense, who has been confirmed by the
11 Senate, determines that the award of such contract
12 is in the interest of the national defense.

13 SEC. 8047. (a) Except as provided in subsection (b)
14 and (c), none of the funds made available by this Act may
15 be used—

16 (1) to establish a field operating agency; or

17 (2) to pay the basic pay of a member of the
18 Armed Forces or civilian employee of the depart-
19 ment who is transferred or reassigned from a head-
20 quarters activity if the member or employee's place
21 of duty remains at the location of that headquarters.

22 (b) The Secretary of Defense or Secretary of a mili-
23 tary department may waive the limitations in subsection
24 (a), on a case-by-case basis, if the Secretary determines,
25 and certifies to the Committees on Appropriations of the

1 House of Representatives and Senate that the granting
2 of the waiver will reduce the personnel requirements or
3 the financial requirements of the department.

4 (c) This section does not apply to field operating
5 agencies funded within the National Foreign Intelligence
6 Program.

7 (INCLUDING TRANSFER OF FUNDS)

8 SEC. 8048. (a) Upon a determination by the Sec-
9 retary of the Navy that the vessel USNS Capable (T-
10 AGOS 16) is no longer needed by the Navy, the Secretary
11 shall transfer such vessel to the National Oceanic and At-
12 mospheric Administration as an exploration and research
13 ship.

14 (b) Upon a transfer of the vessel USNS Capable (T-
15 AGOS 16) under subsection (a), the Secretary of the Navy
16 shall transfer to the Secretary of Commerce \$18,000,000
17 out of funds appropriated by title IV under the heading
18 "Research, Development, Test and Evaluation, Navy".
19 The amount so transferred shall be available to the Na-
20 tional Oceanographic and Atmospheric Administration for
21 the conversion of the vessel for use as an exploration and
22 research ship.

23 (RESCISSIONS)

24 SEC. 8049. Of the funds appropriated in Department
25 of Defense Appropriations Acts, the following funds are

1 hereby rescinded from the following accounts and pro-
2 grams in the specified amounts:

3 “Shipbuilding and Conversion, Navy, 2002/
4 2006”, \$14,000,000;

5 “Former Soviet Union Threat Reduction, 2003/
6 2005”, \$50,000,000;

7 “Aircraft Procurement, Navy, 2003/2005”,
8 \$50,000,000;

9 “Aircraft Procurement, Air Force, 2003/2005”,
10 \$50,000,000;

11 “Other Procurement, Army, 2004/2006”,
12 \$16,000,000;

13 “Aircraft Procurement, Navy, 2004/2006”,
14 \$32,800,000;

15 “Shipbuilding and Conversion, Navy, 2004/
16 2008”, \$10,300,000;

17 “Weapons Procurement, Navy, 2004/2006”,
18 \$25,200,000;

19 “Other Procurement, Navy, 2004/2006”,
20 \$41,700,000;

21 “Procurement, Marine Corps, 2004/2006”,
22 \$40,200,000;

23 “Other Procurement, Air Force, 2004/2006”,
24 \$100,000,000;

1 “Procurement, Defense-Wide, 2004/2006”,
2 \$34,571,000;
3 “Research, Development, Test and Evaluation,
4 Army, 2004/2005”, \$30,000,000;
5 “Research, Development, Test and Evaluation,
6 Navy, 2004/2005”, \$148,500,000;
7 “Research, Development, Test and Evaluation,
8 Air Force, 2004/2005”, \$57,666,000; and
9 “Research, Development, Test and Evaluation,
10 Defense-Wide, 2004/2005”, \$78,700,000.

11 SEC. 8050. None of the funds available in this Act
12 may be used to reduce the authorized positions for mili-
13 tary (civilian) technicians of the Army National Guard,
14 the Air National Guard, Army Reserve and Air Force Re-
15 serve for the purpose of applying any administratively im-
16 posed civilian personnel ceiling, freeze, or reduction on
17 military (civilian) technicians, unless such reductions are
18 a direct result of a reduction in military force structure.

19 SEC. 8051. None of the funds appropriated or other-
20 wise made available in this Act may be obligated or ex-
21 pended for assistance to the Democratic People’s Republic
22 of North Korea unless specifically appropriated for that
23 purpose.

24 SEC. 8052. During the current fiscal year and here-
25 after, funds appropriated in this Act are available to com-

1 pensate members of the National Guard for duty per-
2 formed pursuant to a plan submitted by a Governor of
3 a State and approved by the Secretary of Defense under
4 section 112 of title 32, United States Code: *Provided*,
5 That during the performance of such duty, the members
6 of the National Guard shall be under State command and
7 control: *Provided further*, That such duty shall be treated
8 as full-time National Guard duty for purposes of sections
9 12602(a)(2) and (b)(2) of title 10, United States Code.

10 SEC. 8053. Funds appropriated in this Act for oper-
11 ation and maintenance of the Military Departments, Com-
12 batant Commands and Defense Agencies shall be available
13 for reimbursement of pay, allowances and other expenses
14 which would otherwise be incurred against appropriations
15 for the National Guard and Reserve when members of the
16 National Guard and Reserve provide intelligence or coun-
17 terintelligence support to Combatant Commands, Defense
18 Agencies and Joint Intelligence Activities, including the
19 activities and programs included within the National For-
20 eign Intelligence Program (NFIP), the Joint Military In-
21 telligence Program (JMIP), and the Tactical Intelligence
22 and Related Activities (TIARA) aggregate: *Provided*, That
23 nothing in this section authorizes deviation from estab-
24 lished Reserve and National Guard personnel and training
25 procedures.

1 SEC. 8054. During the current fiscal year, none of
2 the funds appropriated in this Act may be used to reduce
3 the civilian medical and medical support personnel as-
4 signed to military treatment facilities below the September
5 30, 2003 level: *Provided*, That the Service Surgeons Gen-
6 eral may waive this section by certifying to the congres-
7 sional defense committees that the beneficiary population
8 is declining in some catchment areas and civilian strength
9 reductions may be consistent with responsible resource
10 stewardship and capitation-based budgeting.

11 SEC. 8055. (a) LIMITATION ON PENTAGON RENOVA-
12 TION COSTS.—Not later than the date each year on which
13 the President submits to Congress the budget under sec-
14 tion 1105 of title 31, United States Code, the Secretary
15 of Defense shall submit to Congress a certification that
16 the total cost for the planning, design, construction, and
17 installation of equipment for the renovation of wedges 2
18 through 5 of the Pentagon Reservation, cumulatively, will
19 not exceed four times the total cost for the planning, de-
20 sign, construction, and installation of equipment for the
21 renovation of wedge 1.

22 (b) ANNUAL ADJUSTMENT.—For purposes of apply-
23 ing the limitation in subsection (a), the Secretary shall
24 adjust the cost for the renovation of wedge 1 by any in-
25 crease or decrease in costs attributable to economic infla-

1 tion, based on the most recent economic assumptions
2 issued by the Office of Management and Budget for use
3 in preparation of the budget of the United States under
4 section 1104 of title 31, United States Code.

5 (c) EXCLUSION OF CERTAIN COSTS.—For purposes
6 of calculating the limitation in subsection (a), the total
7 cost for wedges 2 through 5 shall not include—

8 (1) any repair or reconstruction cost incurred
9 as a result of the terrorist attack on the Pentagon
10 that occurred on September 11, 2001;

11 (2) any increase in costs for wedges 2 through
12 5 attributable to compliance with new requirements
13 of Federal, State, or local laws; and

14 (3) any increase in costs attributable to addi-
15 tional security requirements that the Secretary of
16 Defense considers essential to provide a safe and se-
17 cure working environment.

18 (d) CERTIFICATION COST REPORTS.—As part of the
19 annual certification under subsection (a), the Secretary
20 shall report the projected cost (as of the time of the certifi-
21 cation) for—

22 (1) the renovation of each wedge, including the
23 amount adjusted or otherwise excluded for such
24 wedge under the authority of paragraphs (2) and (3)

1 of subsection (c) for the period covered by the cer-
2 tification; and

3 (2) the repair and reconstruction of wedges 1
4 and 2 in response to the terrorist attack on the Pen-
5 tagon that occurred on September 11, 2001.

6 (e) DURATION OF CERTIFICATION REQUIREMENT.—
7 The requirement to make an annual certification under
8 subsection (a) shall apply until the Secretary certifies to
9 Congress that the renovation of the Pentagon Reservation
10 is completed.

11 SEC. 8056. Notwithstanding any other provision of
12 law, that not more than 35 percent of funds provided in
13 this Act for environmental remediation may be obligated
14 under indefinite delivery/indefinite quantity contracts with
15 a total contract value of \$130,000,000 or higher.

16 SEC. 8057. (a) None of the funds available to the
17 Department of Defense for any fiscal year for drug inter-
18 diction or counter-drug activities may be transferred to
19 any other department or agency of the United States ex-
20 cept as specifically provided in an appropriations law.

21 (b) None of the funds available to the Central Intel-
22 ligence Agency for any fiscal year for drug interdiction
23 and counter-drug activities may be transferred to any
24 other department or agency of the United States except
25 as specifically provided in an appropriations law.

1 (TRANSFER OF FUNDS)

2 SEC. 8058. Appropriations available under the head-
3 ing "Operation and Maintenance, Defense-Wide" for the
4 current fiscal year and hereafter for increasing energy and
5 water efficiency in Federal buildings may, during their pe-
6 riod of availability, be transferred to other appropriations
7 or funds of the Department of Defense for projects related
8 to increasing energy and water efficiency, to be merged
9 with and to be available for the same general purposes,
10 and for the same time period, as the appropriation or fund
11 to which transferred.

12 SEC. 8059. None of the funds appropriated by this
13 Act may be used for the procurement of ball and roller
14 bearings other than those produced by a domestic source
15 and of domestic origin: *Provided*, That the Secretary of
16 the military department responsible for such procurement
17 may waive this restriction on a case-by-case basis by certi-
18 fying in writing to the Committees on Appropriations of
19 the House of Representatives and the Senate, that ade-
20 quate domestic supplies are not available to meet Depart-
21 ment of Defense requirements on a timely basis and that
22 such an acquisition must be made in order to acquire ca-
23 pability for national security purposes: *Provided further*,
24 That this restriction shall not apply to the purchase of
25 "commercial items", as defined by section 4(12) of the

1 Office of Federal Procurement Policy Act, except that the
2 restriction shall apply to ball or roller bearings purchased
3 as end items.

4 SEC. 8060. Notwithstanding any other provision of
5 law, funds available to the Department of Defense shall
6 be made available to provide transportation of medical
7 supplies and equipment, on a nonreimbursable basis, to
8 American Samoa, and funds available to the Department
9 of Defense shall be made available to provide transpor-
10 tation of medical supplies and equipment, on a non-
11 reimbursable basis, to the Indian Health Service when it
12 is in conjunction with a civil-military project.

13 SEC. 8061. None of the funds in this Act may be
14 used to purchase any supercomputer which is not manu-
15 factured in the United States, unless the Secretary of De-
16 fense certifies to the congressional defense committees
17 that such an acquisition must be made in order to acquire
18 capability for national security purposes that is not avail-
19 able from United States manufacturers.

20 SEC. 8062. Notwithstanding any other provision of
21 law, each contract awarded by the Department of Defense
22 during the current fiscal year for construction or service
23 performed in whole or in part in a State (as defined in
24 section 381(d) of title 10, United States Code) which is
25 not contiguous with another State and has an unemploy-

1 ment rate in excess of the national average rate of unem-
2 ployment as determined by the Secretary of Labor, shall
3 include a provision requiring the contractor to employ, for
4 the purpose of performing that portion of the contract in
5 such State that is not contiguous with another State, indi-
6 viduals who are residents of such State and who, in the
7 case of any craft or trade, possess or would be able to
8 acquire promptly the necessary skills: *Provided*, That the
9 Secretary of Defense may waive the requirements of this
10 section, on a case-by-case basis, in the interest of national
11 security.

12 SEC. 8063. None of the funds made available in this
13 or any other Act may be used to pay the salary of any
14 officer or employee of the Department of Defense who ap-
15 proves or implements the transfer of administrative re-
16 sponsibilities or budgetary resources of any program,
17 project, or activity financed by this Act to the jurisdiction
18 of another Federal agency not financed by this Act with-
19 out the express authorization of Congress: *Provided*, That
20 this limitation shall not apply to transfers of funds ex-
21 pressly provided for in Defense Appropriations Acts, or
22 provisions of Acts providing supplemental appropriations
23 for the Department of Defense.

24 SEC. 8064. (a) LIMITATION ON TRANSFER OF DE-
25 FENSE ARTICLES AND SERVICES.—Notwithstanding any

1 other provision of law, none of the funds available to the
2 Department of Defense for the current fiscal year may be
3 obligated or expended to transfer to another nation or an
4 international organization any defense articles or services
5 (other than intelligence services) for use in the activities
6 described in subsection (b) unless the congressional de-
7 fense committees, the Committee on International Rela-
8 tions of the House of Representatives, and the Committee
9 on Foreign Relations of the Senate are notified 15 days
10 in advance of such transfer.

11 (b) COVERED ACTIVITIES.—This section applies to—

12 (1) any international peacekeeping or peace-en-
13 forcement operation under the authority of chapter
14 VI or chapter VII of the United Nations Charter
15 under the authority of a United Nations Security
16 Council resolution; and

17 (2) any other international peacekeeping, peace-
18 enforcement, or humanitarian assistance operation.

19 (c) REQUIRED NOTICE.—A notice under subsection
20 (a) shall include the following:

21 (1) A description of the equipment, supplies, or
22 services to be transferred.

23 (2) A statement of the value of the equipment,
24 supplies, or services to be transferred.

1 (3) In the case of a proposed transfer of equip-
2 ment or supplies—

3 (A) a statement of whether the inventory
4 requirements of all elements of the Armed
5 Forces (including the reserve components) for
6 the type of equipment or supplies to be trans-
7 ferred have been met; and

8 (B) a statement of whether the items pro-
9 posed to be transferred will have to be replaced
10 and, if so, how the President proposes to pro-
11 vide funds for such replacement.

12 SEC. 8065. To the extent authorized by subchapter
13 VI of chapter 148 of title 10, United States Code, for the
14 current fiscal year and hereafter the Secretary of Defense
15 may issue loan guarantees in support of United States de-
16 fense exports not otherwise provided for: *Provided*, That
17 the total contingent liability of the United States for guar-
18 antees issued under the authority of this section may not
19 exceed \$15,000,000,000: *Provided further*, That the expo-
20 sure fees charged and collected by the Secretary for each
21 guarantee shall be paid by the country involved and shall
22 not be financed as part of a loan guaranteed by the United
23 States: *Provided further*, That the Secretary shall provide
24 quarterly reports to the Committees on Appropriations,
25 Armed Services, and Foreign Relations of the Senate and

1 the Committees on Appropriations, Armed Services, and
2 International Relations in the House of Representatives
3 on the implementation of this program: *Provided further*,
4 That amounts charged for administrative fees and depos-
5 ited to the special account provided for under section
6 2540c(d) of title 10, shall be available for paying the costs
7 of administrative expenses of the Department of Defense
8 that are attributable to the loan guarantee program under
9 subchapter VI of chapter 148 of title 10, United States
10 Code.

11 SEC. 8066. None of the funds available to the De-
12 partment of Defense under this Act shall be obligated or
13 expended to pay a contractor under a contract with the
14 Department of Defense for costs of any amount paid by
15 the contractor to an employee when—

16 (1) such costs are for a bonus or otherwise in
17 excess of the normal salary paid by the contractor
18 to the employee; and

19 (2) such bonus is part of restructuring costs as-
20 sociated with a business combination.

21 SEC. 8067. Funds appropriated for the Department
22 of Defense and for intelligence activities in this Act are
23 available for transfer to the Department of State as remit-
24 tance for a fee charged by the Department of State for
25 fiscal year 2005 for the maintenance, upgrade, or con-

1 struction of United States diplomatic facilities only to the
2 extent that the amount of the fee so charged (when added
3 to other amounts of such fees previously charged for that
4 fiscal year) exceeds the total amount of the unreimbursed
5 costs incurred by the departments and agencies funded by
6 this Act during that fiscal year in providing goods and
7 services to the Department of State.

8 (INCLUDING TRANSFER OF FUNDS)

9 SEC. 8068. During the current fiscal year, no more
10 than \$30,000,000 of appropriations made in this Act
11 under the heading "Operation and Maintenance, Defense-
12 Wide" may be transferred to appropriations available for
13 the pay of military personnel, to be merged with, and to
14 be available for the same time period as the appropriations
15 to which transferred, to be used in support of such per-
16 sonnel in connection with support and services for eligible
17 organizations and activities outside the Department of De-
18 fense pursuant to section 2012 of title 10, United States
19 Code.

20 SEC. 8069. During the current fiscal year, in the case
21 of an appropriation account of the Department of Defense
22 for which the period of availability for obligation has ex-
23 pired or which has closed under the provisions of section
24 1552 of title 31, United States Code, and which has a
25 negative unliquidated or unexpended balance, an obliga-
26 tion or an adjustment of an obligation may be charged

1 to any current appropriation account for the same purpose
2 as the expired or closed account if—

3 (1) the obligation would have been properly
4 chargeable (except as to amount) to the expired or
5 closed account before the end of the period of avail-
6 ability or closing of that account;

7 (2) the obligation is not otherwise properly
8 chargeable to any current appropriation account of
9 the Department of Defense; and

10 (3) in the case of an expired account, the obli-
11 gation is not chargeable to a current appropriation
12 of the Department of Defense under the provisions
13 of section 1405(b)(8) of the National Defense Au-
14 thorization Act for Fiscal Year 1991, Public Law
15 101-510, as amended (31 U.S.C. 1551 note): *Pro-*
16 *vided*, That in the case of an expired account, if sub-
17 sequent review or investigation discloses that there
18 was not in fact a negative unliquidated or unex-
19 pended balance in the account, any charge to a cur-
20 rent account under the authority of this section shall
21 be reversed and recorded against the expired ac-
22 count: *Provided further*, That the total amount
23 charged to a current appropriation under this sec-
24 tion may not exceed an amount equal to 1 percent
25 of the total appropriation for that account.

1 SEC. 8070. Hereafter, funds appropriated for Oper-
2 ation and maintenance and for the Defense Health Pro-
3 gram in this Act, and in future appropriations acts for
4 the Department of Defense, for supervision and adminis-
5 tration costs for facilities maintenance and repair, minor
6 construction, or design projects, or any planning studies,
7 environmental assessments, or similar activities related to
8 installation support functions, may be obligated at the
9 time the reimbursable order is accepted by the performing
10 activity: *Provided*, That for the purpose of this section,
11 supervision and administration costs includes all in-house
12 Government cost.

13 SEC. 8071. (a) Notwithstanding any other provision
14 of law, the Chief of the National Guard Bureau may per-
15 mit the use of equipment of the National Guard Distance
16 Learning Project by any person or entity on a space-avail-
17 able, reimbursable basis. The Chief of the National Guard
18 Bureau shall establish the amount of reimbursement for
19 such use on a case-by-case basis.

20 (b) Amounts collected under subsection (a) shall be
21 credited to funds available for the National Guard Dis-
22 tance Learning Project and be available to defray the costs
23 associated with the use of equipment of the project under
24 that subsection. Such funds shall be available for such
25 purposes without fiscal year limitation.

1 SEC. 8072. Using funds available by this Act or any
2 other Act, the Secretary of the Air Force, pursuant to a
3 determination under section 2690 of title 10, United
4 States Code, may implement cost-effective agreements for
5 required heating facility modernization in the
6 Kaiserslautern Military Community in the Federal Repub-
7 lic of Germany: *Provided*, That in the City of
8 Kaiserslautern such agreements will include the use of
9 United States anthracite as the base load energy for mu-
10 nicipal district heat to the United States Defense installa-
11 tions: *Provided further*, That at Landstuhl Army Regional
12 Medical Center and Ramstein Air Base, furnished heat
13 may be obtained from private, regional or municipal serv-
14 ices, if provisions are included for the consideration of
15 United States coal as an energy source.

16 SEC. 8073. None of the funds appropriated in title
17 IV of this Act may be used to procure end-items for deliv-
18 ery to military forces for operational training, operational
19 use or inventory requirements: *Provided*, That this restric-
20 tion does not apply to end-items used in development,
21 prototyping, and test activities preceding and leading to
22 acceptance for operational use: *Provided further*, That this
23 restriction does not apply to programs funded within the
24 National Foreign Intelligence Program: *Provided further*,
25 That the Secretary of Defense may waive this restriction

1 on a case-by-case basis by certifying in writing to the
2 Committees on Appropriations of the House of Represent-
3 atives and the Senate that it is in the national security
4 interest to do so.

5 SEC. 8074. None of the funds made available in this
6 Act may be used to approve or license the sale of the F-
7 22 advanced tactical fighter to any foreign government.

8 SEC. 8075. (a) The Secretary of Defense may, on a
9 case-by-case basis, waive with respect to a foreign country
10 each limitation on the procurement of defense items from
11 foreign sources provided in law if the Secretary determines
12 that the application of the limitation with respect to that
13 country would invalidate cooperative programs entered
14 into between the Department of Defense and the foreign
15 country, or would invalidate reciprocal trade agreements
16 for the procurement of defense items entered into under
17 section 2531 of title 10, United States Code, and the
18 country does not discriminate against the same or similar
19 defense items produced in the United States for that coun-
20 try.

21 (b) Subsection (a) applies with respect to—

22 (1) contracts and subcontracts entered into on
23 or after the date of the enactment of this Act; and

24 (2) options for the procurement of items that
25 are exercised after such date under contracts that

1 are entered into before such date if the option prices
2 are adjusted for any reason other than the applica-
3 tion of a waiver granted under subsection (a).

4 (c) Subsection (a) does not apply to a limitation re-
5 garding construction of public vessels, ball and roller bear-
6 ings, food, and clothing or textile materials as defined by
7 section 11 (chapters 50–65) of the Harmonized Tariff
8 Schedule and products classified under headings 4010,
9 4202, 4203, 6401 through 6406, 6505, 7019, 7218
10 through 7229, 7304.41 through 7304.49, 7306.40, 7502
11 through 7508, 8105, 8108, 8109, 8211, 8215, and 9404.

12 SEC. 8076. (a) PROHIBITION.—None of the funds
13 made available by this Act may be used to support any
14 training program involving a unit of the security forces
15 of a foreign country if the Secretary of Defense has re-
16 ceived credible information from the Department of State
17 that the unit has committed a gross violation of human
18 rights, unless all necessary corrective steps have been
19 taken.

20 (b) MONITORING.—The Secretary of Defense, in con-
21 sultation with the Secretary of State, shall ensure that
22 prior to a decision to conduct any training program re-
23 ferred to in subsection (a), full consideration is given to
24 all credible information available to the Department of

1 State relating to human rights violations by foreign secu-
2 rity forces.

3 (c) WAIVER.—The Secretary of Defense, after con-
4 sultation with the Secretary of State, may waive the prohi-
5 bition in subsection (a) if he determines that such waiver
6 is required by extraordinary circumstances.

7 (d) REPORT.—Not more than 15 days after the exer-
8 cise of any waiver under subsection (c), the Secretary of
9 Defense shall submit a report to the congressional defense
10 committees describing the extraordinary circumstances,
11 the purpose and duration of the training program, the
12 United States forces and the foreign security forces in-
13 volved in the training program, and the information relat-
14 ing to human rights violations that necessitates the waiv-
15 er.

16 SEC. 8077. (a) The Secretary of Defense, in coordi-
17 nation with the Secretary of Health and Human Services,
18 may carry out a program to distribute surplus dental and
19 medical equipment of the Department of Defense, at no
20 cost to the Department of Defense, to Indian Health Serv-
21 ice facilities and to federally-qualified health centers (with-
22 in the meaning of section 1905(l)(2)(B) of the Social Se-
23 curity Act (42 U.S.C. 1396d(l)(2)(B))).

24 (b) In carrying out this provision, the Secretary of
25 Defense shall give the Indian Health Service a property

1 disposal priority equal to the priority given to the Depart-
2 ment of Defense and its twelve special screening programs
3 in distribution of surplus dental and medical supplies and
4 equipment.

5 SEC. 8078. None of the funds appropriated or made
6 available in this Act to the Department of the Navy shall
7 be used to develop, lease or procure the T-AKE class of
8 ships unless the main propulsion diesel engines and
9 propulsors are manufactured in the United States by a
10 domestically operated entity: *Provided*, That the Secretary
11 of Defense may waive this restriction on a case-by-case
12 basis by certifying in writing to the Committees on Appro-
13 priations of the House of Representatives and the Senate
14 that adequate domestic supplies are not available to meet
15 Department of Defense requirements on a timely basis
16 and that such an acquisition must be made in order to
17 acquire capability for national security purposes or there
18 exists a significant cost or quality difference.

19 SEC. 8079. None of the funds appropriated or other-
20 wise made available by this or other Department of De-
21 fense Appropriations Acts may be obligated or expended
22 for the purpose of performing repairs or maintenance to
23 military family housing units of the Department of De-
24 fense, including areas in such military family housing

1 units that may be used for the purpose of conducting offi-
2 cial Department of Defense business.

3 SEC. 8080. Notwithstanding any other provision of
4 law, funds appropriated in this Act under the heading
5 “Research, Development, Test and Evaluation, Defense-
6 Wide” for any advanced concept technology demonstration
7 project may only be obligated 30 days after a report, in-
8 cluding a description of the project, the planned acquisi-
9 tion and transition strategy and its estimated annual and
10 total cost, has been provided in writing to the congres-
11 sional defense committees: *Provided*, That the Secretary
12 of Defense may waive this restriction on a case-by-case
13 basis by certifying to the congressional defense committees
14 that it is in the national interest to do so.

15 SEC. 8081. The Secretary of Defense shall provide
16 a classified quarterly report, beginning 30 days after en-
17 actment of this Act, to the House and Senate Appropria-
18 tions Committees, Subcommittees on Defense on certain
19 matters as directed in the classified annex accompanying
20 this Act.

21 SEC. 8082. During the current fiscal year, refunds
22 attributable to the use of the Government travel card, re-
23 funds attributable to the use of the Government Purchase
24 Card and refunds attributable to official Government trav-
25 el arranged by Government Contracted Travel Manage-

1 ment Centers may be credited to operation and mainte-
2 nance, and research, development, test and evaluation ac-
3 counts of the Department of Defense which are current
4 when the refunds are received.

5 SEC. 8083. (a) REGISTERING FINANCIAL MANAGE-
6 MENT INFORMATION TECHNOLOGY SYSTEMS WITH DOD
7 CHIEF INFORMATION OFFICER.—None of the funds ap-
8 propriated in this Act may be used for a mission critical
9 or mission essential financial management information
10 technology system (including a system funded by the de-
11 fense working capital fund) that is not registered with the
12 Chief Information Officer of the Department of Defense.
13 A system shall be considered to be registered with that
14 officer upon the furnishing to that officer of notice of the
15 system, together with such information concerning the
16 system as the Secretary of Defense may prescribe. A fi-
17 nancial management information technology system shall
18 be considered a mission critical or mission essential infor-
19 mation technology system as defined by the Under Sec-
20 retary of Defense (Comptroller).

21 (b) CERTIFICATIONS AS TO COMPLIANCE WITH FI-
22 NANCIAL MANAGEMENT MODERNIZATION PLAN.—

23 (1) During the current fiscal year, a financial
24 management automated information system, a mixed
25 information system supporting financial and non-fi-

1 nancial systems, or a system improvement of more
2 than \$1,000,000 may not receive Milestone A ap-
3 proval, Milestone B approval, or full rate production,
4 or their equivalent, within the Department of De-
5 fense until the Under Secretary of Defense (Comp-
6 troller) certifies, with respect to that milestone, that
7 the system is being developed and managed in ac-
8 cordance with the Department's Financial Manage-
9 ment Modernization Plan. The Under Secretary of
10 Defense (Comptroller) may require additional certifi-
11 cations, as appropriate, with respect to any such sys-
12 tem.

13 (2) The Chief Information Officer shall provide
14 the congressional defense committees timely notifica-
15 tion of certifications under paragraph (1).

16 (c) CERTIFICATIONS AS TO COMPLIANCE WITH
17 CLINGER-COHEN ACT.—

18 (1) During the current fiscal year, a major
19 automated information system may not receive Mile-
20 stone A approval, Milestone B approval, or full rate
21 production approval, or their equivalent, within the
22 Department of Defense until the Chief Information
23 Officer certifies, with respect to that milestone, that
24 the system is being developed in accordance with the
25 Clinger-Cohen Act of 1996 (40 U.S.C. 1401 et seq.).

1 The Chief Information Officer may require addi-
2 tional certifications, as appropriate, with respect to
3 any such system.

4 (2) The Chief Information Officer shall provide
5 the congressional defense committees timely notifica-
6 tion of certifications under paragraph (1). Each
7 such notification shall include, at a minimum, the
8 funding baseline and milestone schedule for each
9 system covered by such a certification and confirma-
10 tion that the following steps have been taken with
11 respect to the system:

12 (A) Business process reengineering.

13 (B) An analysis of alternatives.

14 (C) An economic analysis that includes a
15 calculation of the return on investment.

16 (D) Performance measures.

17 (E) An information assurance strategy
18 consistent with the Department's Global Infor-
19 mation Grid.

20 (d) DEFINITIONS.—For purposes of this section:

21 (1) The term “Chief Information Officer”
22 means the senior official of the Department of De-
23 fense designated by the Secretary of Defense pursu-
24 ant to section 3506 of title 44, United States Code.

1 (2) The term “information technology system”
2 has the meaning given the term “information tech-
3 nology” in section 5002 of the Clinger-Cohen Act of
4 1996 (40 U.S.C. 1401).

5 SEC. 8084. During the current fiscal year, none of
6 the funds available to the Department of Defense may be
7 used to provide support to another department or agency
8 of the United States if such department or agency is more
9 than 90 days in arrears in making payment to the Depart-
10 ment of Defense for goods or services previously provided
11 to such department or agency on a reimbursable basis:
12 *Provided*, That this restriction shall not apply if the de-
13 partment is authorized by law to provide support to such
14 department or agency on a nonreimbursable basis, and is
15 providing the requested support pursuant to such author-
16 ity: *Provided further*, That the Secretary of Defense may
17 waive this restriction on a case-by-case basis by certifying
18 in writing to the Committees on Appropriations of the
19 House of Representatives and the Senate that it is in the
20 national security interest to do so.

21 SEC. 8085. None of the funds provided in this Act
22 may be used to transfer to any nongovernmental entity
23 ammunition held by the Department of Defense that has
24 a center-fire cartridge and a United States military no-
25 menclature designation of “armor penetrator”, “armor

1 piercing (AP)”, “armor piercing incendiary (API)”, or
2 “armor-piercing incendiary-tracer (API-T)”, except to an
3 entity performing demilitarization services for the Depart-
4 ment of Defense under a contract that requires the entity
5 to demonstrate to the satisfaction of the Department of
6 Defense that armor piercing projectiles are either: (1) ren-
7 dered incapable of reuse by the demilitarization process;
8 or (2) used to manufacture ammunition pursuant to a con-
9 tract with the Department of Defense or the manufacture
10 of ammunition for export pursuant to a License for Per-
11 manent Export of Unclassified Military Articles issued by
12 the Department of State.

13 SEC. 8086. Notwithstanding any other provision of
14 law, the Chief of the National Guard Bureau, or his des-
15 ignee, may waive payment of all or part of the consider-
16 ation that otherwise would be required under 10 U.S.C.
17 2667, in the case of a lease of personal property for a
18 period not in excess of 1 year to any organization specified
19 in 32 U.S.C. 508(d), or any other youth, social, or fra-
20 ternal non-profit organization as may be approved by the
21 Chief of the National Guard Bureau, or his designee, on
22 a case-by-case basis.

23 SEC. 8087. None of the funds appropriated by this
24 Act shall be used for the support of any nonappropriated
25 funds activity of the Department of Defense that procures

1 malt beverages and wine with nonappropriated funds for
2 resale (including such alcoholic beverages sold by the
3 drink) on a military installation located in the United
4 States unless such malt beverages and wine are procured
5 within that State, or in the case of the District of Colum-
6 bia, within the District of Columbia, in which the military
7 installation is located: *Provided*, That in a case in which
8 the military installation is located in more than one State,
9 purchases may be made in any State in which the installa-
10 tion is located: *Provided further*, That such local procure-
11 ment requirements for malt beverages and wine shall
12 apply to all alcoholic beverages only for military installa-
13 tions in States which are not contiguous with another
14 State: *Provided further*, That alcoholic beverages other
15 than wine and malt beverages, in contiguous States and
16 the District of Columbia shall be procured from the most
17 competitive source, price and other factors considered.

18 SEC. 8088. Up to \$3,000,000 of the funds appro-
19 priated under the heading "Operation and Maintenance,
20 Navy" in this Act for the Pacific Missile Range Facility
21 may be made available to contract for the repair, mainte-
22 nance, and operation of adjacent off-base water, drainage,
23 and flood control systems, electrical upgrade to support
24 additional missions critical to base operations, and support

1 for a range footprint expansion to further guard against
2 encroachment.

3 SEC. 8089. Funds available to the Department of De-
4 fense for the Global Positioning System during the current
5 fiscal year may be used to fund civil requirements associ-
6 ated with the satellite and ground control segments of
7 such system's modernization program.

8 (INCLUDING TRANSFER OF FUNDS)

9 SEC. 8090. (a) Of the amounts appropriated in this
10 Act under the heading, "Research, Development, Test and
11 Evaluation, Defense-Wide", \$60,000,000 shall remain
12 available until expended: *Provided*, That notwithstanding
13 any other provision of law, the Secretary of Defense is
14 authorized to transfer such funds to other activities of the
15 Federal Government.

16 (b) Of the amounts appropriated in this Act under
17 the heading, "Operation and Maintenance, Army",
18 \$185,000,000 shall remain available until expended: *Pro-*
19 *vided*, That notwithstanding any other provision of law,
20 the Secretary of Defense is authorized to transfer such
21 funds to other activities of the Federal Government: *Pro-*
22 *vided further*, That the Secretary of Defense is authorized
23 to enter into and carry out contracts for the acquisition
24 of real property, construction, personal services, and oper-
25 ations related to projects described in further detail in the
26 Classified Annex accompanying the Department of De-

1 fense Appropriations Act, 2005, consistent with the terms
2 and conditions set forth therein: *Provided further*, That
3 contracts entered into under the authority of this section
4 may provide for such indemnification as the Secretary de-
5 termines to be necessary: *Provided further*, That projects
6 authorized by this section shall comply with applicable
7 Federal, State, and local law to the maximum extent con-
8 sistent with the national security, as determined by the
9 Secretary of Defense.

10 SEC. 8091. Section 8106 of the Department of De-
11 fense Appropriations Act, 1997 (titles I through VIII of
12 the matter under subsection 101(b) of Public Law 104-
13 208; 110 Stat. 3009-111; 10 U.S.C. 113 note) shall con-
14 tinue in effect to apply to disbursements that are made
15 by the Department of Defense in fiscal year 2005.

16 SEC. 8092. (a) Of the amounts appropriated in this
17 Act under the heading "Research, Development, Test and
18 Evaluation, Navy", \$214,678,000 shall be available for
19 the construction of the first prototype vessel under the
20 Littoral Combat Ship program.

21 (b) None of the funds provided in this Act may be
22 obligated to prepare a fiscal year 2006 budget request for
23 a third vessel under the Littoral Combat Ship program
24 in fiscal year 2006: *Provided*, That funds for the second
25 vessel shall be for a second source supplier: *Provided fur-*

1 *ther*, That all subsequent ships shall be purchased with
2 “Shipbuilding and Conversion, Navy” funds beginning in
3 fiscal year 2007.

4 SEC. 8093. In addition to amounts provided else-
5 where in this Act, \$2,000,000 is hereby appropriated for
6 “Defense Health Program”, to remain available for obli-
7 gation until expended: *Provided*, That notwithstanding
8 any other provision of law, these funds shall be available
9 only for a grant to the Fisher House Foundation, Inc.,
10 only for the construction and furnishing of additional
11 Fisher Houses to meet the needs of military family mem-
12 bers when confronted with the illness or hospitalization of
13 an eligible military beneficiary.

14 SEC. 8094. Amounts appropriated in title II of this
15 Act are hereby reduced by \$300,000,000 to reflect savings
16 attributable to efficiencies and management improvements
17 in the funding of miscellaneous or other contracts in the
18 military departments, as follows:

19 (1) From “Operation and Maintenance, Army”,
20 \$66,700,000.

21 (2) From “Operation and Maintenance, Navy”,
22 \$77,900,000.

23 (3) From “Operation and Maintenance, Marine
24 Corps”, \$6,100,000.

1 (4) From "Operation and Maintenance, Air
2 Force", \$149,300,000.

3 SEC. 8095. The total amount appropriated or other-
4 wise made available in this Act is hereby reduced by
5 \$500,000,000 to limit excessive growth in the procure-
6 ment of advisory and assistance services, to be distributed
7 as follows:

8 "Operation and Maintenance, Army",
9 \$25,000,000;

10 "Operation and Maintenance, Defense-Wide",
11 \$225,000,000;

12 "Research, Development, Test and Evaluation,
13 Army", \$50,000,000; and

14 "Research, Development, Test and Evaluation,
15 Defense-Wide", \$200,000,000.

16 (INCLUDING TRANSFER OF FUNDS)

17 SEC. 8096. Of the amounts appropriated in this Act
18 under the heading "Research, Development, Test and
19 Evaluation, Defense-Wide", \$155,290,000 shall be made
20 available for the Arrow missile defense program: *Provided*,
21 That of this amount, \$68,000,000 shall be available for
22 the purpose of producing Arrow missile components in the
23 United States and Arrow missile components and missiles
24 in Israel to meet Israel's defense requirements, consistent
25 with each nation's laws, regulations and procedures: *Pro-*
26 *vided further*, That funds made available under this provi-

1 sion for production of missiles and missile components
2 may be transferred to appropriations available for the pro-
3 curement of weapons and equipment, to be merged with
4 and to be available for the same time period and the same
5 purposes as the appropriation to which transferred: *Pro-*
6 *vided further*, That the transfer authority provided under
7 this provision is in addition to any other transfer authority
8 contained in this Act.

9 SEC. 8097. Notwithstanding any other provision of
10 law, of the amounts provided in this Act and in Public
11 Law 108-87 under the heading "Research, Development,
12 Test and Evaluation, Navy", \$1,500,000, and \$500,000,
13 respectively, shall be provided as a grant (or grants) to
14 the California Central Coast Research Partnership
15 (C3RP) through the California Polytechnic State Univer-
16 sity Foundation: *Provided*, That the Secretary of the Navy
17 shall make said grant (or grants) within 90 days of the
18 enactment of this Act.

19 (INCLUDING TRANSFER OF FUNDS)

20 SEC. 8098. (a) In addition to amounts provided else-
21 where in this Act, \$34,000,000 is hereby appropriated for
22 "Aircraft Procurement, Navy": *Provided*, That these
23 funds shall be available only for transfer to the Coast
24 Guard for mission essential equipment for Coast Guard
25 HC-130J aircraft.

1 (b) In addition to amounts appropriated or otherwise
2 made available in this Act, there is hereby appropriated
3 \$40,000,000, for “Operation and Maintenance, Defense-
4 Wide”: *Provided*, That, of the funds provided herein,
5 \$30,000,000, to remain available until expended, shall be
6 transferred within 15 days of the enactment of this Act
7 to the Department of Agriculture, Forest Service
8 “Wildland Fire Management” account and shall be
9 merged with other funds in this account and shall be made
10 available for hazardous fuels reduction, hazard mitigation,
11 and rehabilitation activities of the Forest Service in the
12 San Bernardino National Forest, and \$10,000,000, to re-
13 main available until expended, shall be transferred within
14 15 days of the enactment of this Act to the Forest Service,
15 “Capital Improvement and Maintenance” account and
16 shall be made available to construct a wildfire manage-
17 ment training facility in San Bernardino County: *Provided*
18 *further*, That the transfer authority provided in this sec-
19 tion is in addition to any other transfer authority available
20 to the Department of Defense.

21 (INCLUDING TRANSFER OF FUNDS)

22 SEC. 8099. Of the amounts appropriated in this Act
23 under the heading “Shipbuilding and Conversion, Navy”,
24 \$484,390,000 shall be available until September 30, 2005,
25 to fund prior year shipbuilding cost increases: *Provided*,
26 That upon enactment of this Act, the Secretary of the

1 Navy shall transfer such funds to the following appropria-
2 tions in the amounts specified: *Provided further*, That the
3 amounts transferred shall be merged with and be available
4 for the same purposes as the appropriations to which
5 transferred:

6 To:

7 Under the heading, "Shipbuilding and
8 Conversion, Navy, 1996/2005":

9 LPD-17 Amphibious Transport Dock
10 Ship Program, \$55,000,000.

11 Under the heading, "Shipbuilding and
12 Conversion, Navy, 1999/2005":

13 New SSN, \$10,000,000;

14 LPD-17 Amphibious Transport Dock
15 Ship Program, \$38,100,000.

16 Under the heading, "Shipbuilding and
17 Conversion, Navy, 2000/2005":

18 DDG-51 Destroyer Program,
19 \$44,963,000;

20 LPD-17 Amphibious Transport Dock
21 Ship Program, \$171,681,000.

22 Under the heading, "Shipbuilding and
23 Conversion, Navy, 2001/2005":

24 DDG-51 Destroyer Program,
25 \$83,316,000;

1 New SSN, \$67,330,000.

2 Under the heading, "Shipbuilding and
3 Conversion, Navy, 2002/2005":

4 LCAC SLEP, \$2,100,000.

5 Under the heading, "Shipbuilding and
6 Conversion, Navy, 2003/2005":

7 LCAC SLEP, \$11,900,000:

8 *Provided further*, That section 126 of the National De-
9 fense Authorization Act for Fiscal Year 2004 (Public Law
10 108-136; 117 Stat. 1410; 10 U.S.C. 7291 note) is re-
11 pealed.

12 SEC. 8100. The Secretary of the Navy may settle,
13 or compromise, and pay any and all admiralty claims
14 under 10 U.S.C. 7622 arising out of the collision involving
15 the U.S.S. GREENEVILLE and the EHIME MARU, in
16 any amount and without regard to the monetary limita-
17 tions in subsections (a) and (b) of that section: *Provided*,
18 That such payments shall be made from funds available
19 to the Department of the Navy for operation and mainte-
20 nance.

21 SEC. 8101. None of the funds available to the De-
22 partment of Defense may be obligated to implement any
23 action which alters the command responsibility or perma-
24 nent assignment of forces until 270 days after such plan

1 has been provided to the congressional defense commit-
2 tees.

3 SEC. 8102. Notwithstanding any other provision of
4 law or regulation, the Secretary of Defense may exercise
5 the provisions of 38 U.S.C. 7403(g) for occupations listed
6 in 38 U.S.C. 7403(a)(2) as well as the following:

7 Pharmacists, Audiologists, and Dental Hygien-
8 ists.

9 (A) The requirements of 38 U.S.C.
10 7403(g)(1)(A) shall apply.

11 (B) The limitations of 38 U.S.C.
12 7403(g)(1)(B) shall not apply.

13 SEC. 8103. Funds appropriated by this Act, or made
14 available by the transfer of funds in this Act, for intel-
15 ligence activities are deemed to be specifically authorized
16 by the Congress for purposes of section 504 of the Na-
17 tional Security Act of 1947 (50 U.S.C. 414) during fiscal
18 year 2005 until the enactment of the Intelligence Author-
19 ization Act for fiscal year 2005.

20 SEC. 8104. In addition to funds made available else-
21 where in this Act, \$5,500,000 is hereby appropriated and
22 shall remain available until expended to provide assist-
23 ance, by grant or otherwise (such as, but not limited to,
24 the provision of funds for repairs, maintenance, construc-
25 tion, and/or for the purchase of information technology,

1 text books, teaching resources), to public schools that have
2 unusually high concentrations of special needs military de-
3 pendants enrolled: *Provided*, That in selecting school sys-
4 tems to receive such assistance, special consideration shall
5 be given to school systems in States that are considered
6 overseas assignments, and all schools within these school
7 systems shall be eligible for assistance: *Provided further*,
8 That up to 2 percent of the total appropriated funds under
9 this section shall be available to support the administra-
10 tion and execution of the funds or program and/or events
11 that promote the purpose of this appropriation (e.g. pay-
12 ment of travel and per diem of school teachers attending
13 conferences or a meeting that promotes the purpose of this
14 appropriation and/or consultant fees for on-site training
15 of teachers, staff, or Joint Venture Education Forum
16 (JVEF) Committee members): *Provided further*, That up
17 to \$2,000,000 shall be available for the Department of De-
18 fense to establish a non-profit trust fund to assist in the
19 public-private funding of public school repair and mainte-
20 nance projects, or provide directly to non-profit organiza-
21 tions who in return will use these monies to provide assist-
22 ance in the form of repair, maintenance, or renovation to
23 public school systems that have high concentrations of spe-
24 cial needs military dependents and are located in States
25 that are considered overseas assignments: *Provided fur-*

1 *ther*, That to the extent a Federal agency provides this
2 assistance, by contract, grant, or otherwise, it may accept
3 and expend non-Federal funds in combination with these
4 Federal funds to provide assistance for the authorized
5 purpose, if the non-Federal entity requests such assistance
6 and the non-Federal funds are provided on a reimbursable
7 basis.

8 SEC. 8105. The total amount appropriated in title IV
9 of this Act is hereby reduced by \$197,500,000 to reduce
10 cost growth in information technology development and
11 modernization, to be derived as follows:

12 (1) From "Other Procurement, Army",
13 \$39,500,000.

14 (2) From "Other Procurement, Navy",
15 \$10,800,000.

16 (3) From "Other Procurement, Air Force",
17 \$49,000,000.

18 (4) From "Procurement, Defense-Wide",
19 \$20,100,000.

20 (5) From "Research, Development, Test and
21 Evaluation, Army", \$3,500,000.

22 (6) From "Research, Development, Test and
23 Evaluation, Navy", \$10,800,000.

24 (7) From "Research, Development, Test and
25 Evaluation, Air Force", \$3,500,000.

1 (8) From “Research, Development, Test and
2 Evaluation, Defense-Wide”, \$60,300,000.

3 SEC. 8106. None of the funds in this Act may be
4 used to initiate a new start program without prior written
5 notification to the Office of Secretary of Defense and the
6 congressional defense committees.

7 SEC. 8107. The amounts appropriated in title II of
8 this Act are hereby reduced by \$316,000,000 to reflect
9 cash balance and rate stabilization adjustments in Depart-
10 ment of Defense Working Capital Funds, as follows:

11 (1) From “Operation and Maintenance, Navy”,
12 \$150,000,000.

13 (2) From “Operation and Maintenance, Air
14 Force”, \$166,000,000.

15 SEC. 8108. (a) In addition to the amounts provided
16 elsewhere in this Act, the amount of \$6,000,000 is hereby
17 appropriated to the Department of Defense for “Oper-
18 ation and Maintenance, Army National Guard”. Such
19 amount shall be made available to the Secretary of the
20 Army only to make a grant in the amount of \$6,000,000
21 to the entity specified in subsection (b) to facilitate access
22 by veterans to opportunities for skilled employment in the
23 construction industry.

24 (b) The entity referred to in subsection (a) is the
25 Center for Military Recruitment, Assessment and Vet-

1 erans Employment, a nonprofit labor-management co-op-
2 eration committee provided for by section 302(c)(9) of the
3 Labor-Management Relations Act, 1947 (29 U.S.C.
4 186(c)(9)), for the purposes set forth in section 6(b) of
5 the Labor Management Cooperation Act of 1978 (29
6 U.S.C. 175a note).

7 SEC. 8109. FINANCING AND FIELDING OF KEY ARMY
8 CAPABILITIES.—The Department of Defense and the De-
9 partment of the Army shall make future budgetary and
10 programming plans to fully finance the Non-Line of Sight
11 Future Force cannon and resupply vehicle program
12 (NLOS-C) in order to field this system in fiscal year
13 2010, consistent with the broader plan to field the Future
14 Combat System (FCS) in fiscal year 2010: *Provided*, That
15 if the Army is precluded from fielding the FCS program
16 by fiscal year 2010, then the Army shall develop the
17 NLOS-C independent of the broader FCS development
18 timeline to achieve fielding by fiscal year 2010. In addition
19 the Army will deliver eight (8) combat operational pre-
20 production NLOS-C systems by the end of calendar year
21 2008. These systems shall be in addition to those systems
22 necessary for developmental and operational testing: *Pro-*
23 *vided further*, That the Army shall ensure that budgetary
24 and programmatic plans will provide for no fewer than
25 seven (7) Stryker Brigade Combat Teams.

1 SEC. 8110. Of the funds made available in this Act,
2 not less than \$87,900,000 shall be available to maintain
3 an attrition reserve force of 18 B-52 aircraft, of which
4 \$3,700,000 shall be available from "Military Personnel,
5 Air Force", \$55,300,000 shall be available from "Oper-
6 ation and Maintenance, Air Force", and \$28,900,000
7 shall be available from "Aircraft Procurement, Air Force":
8 *Provided*, That the Secretary of the Air Force shall main-
9 tain a total force of 94 B-52 aircraft, including 18 attri-
10 tion reserve aircraft, during fiscal year 2005: *Provided fur-*
11 *ther*, That the Secretary of Defense shall include in the
12 Air Force budget request for fiscal year 2006 amounts
13 sufficient to maintain a B-52 force totaling 94 aircraft.
14 SEC. 8111. Of the funds made available under the
15 heading "Operation and Maintenance, Air Force",
16 \$9,000,000 shall be available to realign railroad track on
17 Elmendorf Air Force Base and Fort Richardson: *Provided*,
18 That of the funds made available under the heading "Op-
19 eration and Maintenance, Air Force", \$14,000,000 shall
20 be available for engineering and environment studies nec-
21 essary to extend the railroad to Stryker Brigade Combat
22 Team training areas north of Fort Wainwright, Alaska:
23 *Provided further*, That the Secretary of the Air Force is
24 authorized, using funds available under the heading "Op-
25 eration and Maintenance, Air Force", to complete a

1 phased repair project, which repairs may include upgrades
2 and additions, to the infrastructure of the operational
3 ranges managed by the Air Force in Alaska. The total cost
4 of such phased projects shall not exceed \$32,000,000.

5 (TRANSFER OF FUNDS)

6 SEC. 8112. Of the amounts appropriated in Public
7 Law 107-206 under the heading "Defense Emergency Re-
8 sponse Fund", an amount up to the fair market value of
9 the leasehold interest in adjacent properties necessary for
10 the force protection requirements of Tooele Army Depot,
11 Utah, may be made available to resolve any property dis-
12 putes associated with Tooele Army Depot, Utah, and to
13 acquire such leasehold interest as required: *Provided*, That
14 none of these funds may be used to acquire fee title to
15 the properties.

16 SEC. 8113. In addition to the amounts appropriated
17 or otherwise made available elsewhere in this Act,
18 \$51,425,000 is hereby appropriated to the Department of
19 Defense, to remain available until September 30, 2005:
20 *Provided*, That the Secretary of Defense shall make grants
21 in the amounts specified as follows: \$5,000,000 to the In-
22 trepid Sea-Air-Space Foundation; \$1,875,000 to the Pre-
23 sidio Trust only for renovations of the parade field;
24 \$1,000,000 to the Fort Ticonderoga Association;
25 \$8,500,000 to the Military Aviation Museum of the Pa-
26 cific; \$10,000,000 to the Wings of Liberty Military Mu-

1 seum at Fort Campbell; \$2,550,000 to the United Services
2 Organization; \$5,000,000 to the Galena IDEA Distance
3 Learning Program; \$1,500,000 to the Wing Luke Asian
4 Museum; \$8,000,000 to the Center for Applied Science
5 and Engineering; \$1,000,000 to the Women in Military
6 Service for America Memorial Foundation; \$2,000,000 to
7 the American Red Cross Greater Alleghenies Blood Serv-
8 ices Center; \$4,000,000 to the Clarksville-Montgomery
9 County School System; and \$1,000,000 to the National
10 Museum of Cavalry and Armor at Fort Knox.

11 SEC. 8114. None of the funds appropriated in this
12 Act under the heading "Overseas Contingency Operations
13 Transfer Account" may be transferred or obligated for
14 Department of Defense expenses not directly related to the
15 conduct of overseas contingencies: *Provided*, That the Sec-
16 retary of Defense shall submit a report no later than 30
17 days after the end of each fiscal quarter to the Committees
18 on Appropriations of the Senate and House of Representa-
19 tives that details any transfer of funds from the "Overseas
20 Contingency Operations Transfer Account": *Provided fur-*
21 *ther*, That the report shall explain any transfer for the
22 maintenance of real property, pay of civilian personnel,
23 base operations support, and weapon, vehicle or equipment
24 maintenance.

1 SEC. 8115. For purposes of section 1553(b) of title
2 31, United States Code, any subdivision of appropriations
3 made in this Act under the heading “Shipbuilding and
4 Conversion, Navy” shall be considered to be for the same
5 purpose as any subdivision under the heading “Ship-
6 building and Conversion, Navy” appropriations in any
7 prior fiscal year, and the 1 percent limitation shall apply
8 to the total amount of the appropriation.

9 SEC. 8116. The budget of the President for fiscal
10 year 2006 submitted to the Congress pursuant to section
11 1105 of title 31, United States Code shall include separate
12 budget justification documents for costs of United States
13 Armed Forces’ participation in contingency operations for
14 the Military Personnel accounts, the Operation and Main-
15 tenance accounts, and the Procurement accounts: *Pro-*
16 *vided*, That these documents shall include a description
17 of the funding requested for each contingency operation,
18 for each military service, to include all Active and Reserve
19 components, and for each appropriations account: *Pro-*
20 *vided further*, That these documents shall include esti-
21 mated costs for each element of expense or object class,
22 a reconciliation of increases and decreases for each contin-
23 gency operation, and programmatic data including, but
24 not limited to, troop strength for each Active and Reserve
25 component, and estimates of the major weapons systems

1 deployed in support of each contingency: *Provided further*,
2 That these documents shall include budget exhibits OP-
3 5 and OP-32 (as defined in the Department of Defense
4 Financial Management Regulation) for all contingency op-
5 erations for the budget year and the two preceding fiscal
6 years.

7 SEC. 8117. None of the funds in this Act may be
8 used for research, development, test, evaluation, procure-
9 ment or deployment of nuclear armed interceptors of a
10 missile defense system.

11 SEC. 8118. Notwithstanding any other provision of
12 law, section 2533a(f) of title 10, United States Code, shall
13 hereafter not apply to any fish, shellfish, or seafood prod-
14 uct. This section applies to contracts and subcontracts for
15 the procurement of commercial items notwithstanding sec-
16 tion 34 of the Office of Federal Procurement Policy Act
17 (41 U.S.C. 430).

18 SEC. 8119. Of the amounts provided in title II of this
19 Act under the heading, "Operation and Maintenance, De-
20 fense-Wide", \$20,000,000 is available for the Regional
21 Defense Counter-terrorism Fellowship Program, to fund
22 the education and training of foreign military officers,
23 ministry of defense civilians, and other foreign security of-
24 ficials, to include United States military officers and civil-

1 ian officials whose participation directly contributes to the
2 education and training of these foreign students.

3 SEC. 8120. None of the funds appropriated or made
4 available in this Act shall be used to reduce or disestablish
5 the operation of the 53rd Weather Reconnaissance Squad-
6 ron of the Air Force Reserve, if such action would reduce
7 the WC-130 Weather Reconnaissance mission below the
8 levels funded in this Act: *Provided*, That the Air Force
9 shall allow the 53rd Weather Reconnaissance Squadron to
10 perform other missions in support of national defense re-
11 quirements during the non-hurricane season.

12 SEC. 8121. (a) LAND CONVEYANCES, NORTON AIR
13 FORCE BASE, CALIFORNIA.—

14 (1) FOREST SERVICE CONVEYANCE.—Subject to
15 paragraph (2), the Secretary of Agriculture shall
16 convey to the Inland Valley Development Agency all
17 right, title, and interest of the United States in and
18 to a parcel of real property consisting of approxi-
19 mately 3.74 acres designated as parcel D-1 (includ-
20 ing the former Air Force S-2 Headquarters Build-
21 ing) on the former Norton Air Force Base, Cali-
22 fornia.

23 (2) As consideration for the transfer under
24 paragraph (1), the Inland Valley Development Agen-
25 cy shall execute a long-term ground lease with the

1 Secretary of Agriculture, upon terms acceptable to
2 the Federal Aviation Administration, to provide the
3 United States Forest Service with a replacement
4 parcel of land of approximately 7.5 acres at the San
5 Bernardino International Airport adjacent to current
6 facilities of the Forest Service to be used for aero-
7 nautical purposes in furtherance of wildfire preven-
8 tion and containment.

9 (b) AIR FORCE CONVEYANCE.—

10 (1) Subject to paragraph (2), the Secretary of
11 the Air Force shall convey to the Inland Valley De-
12 velopment Agency all right, title, and interest of the
13 United States in and to certain parcels of real prop-
14 erty, including improvements thereon, located on or
15 adjacent to the former Norton Air Force Base, Cali-
16 fornia, that as of the date of the enactment of this
17 Act have been determined through a record of deci-
18 sion to be eligible to be transferred to, or held in
19 trust for, the San Manuel Band of Mission Indians.

20 (2) The Secretary of the Air Force shall make
21 a conveyance under paragraph (1) with respect to
22 any parcel of real property to which that paragraph
23 applies only upon delivery to the Secretary of an in-
24 strument executed by the San Manuel Band of Mis-
25 sion Indians that releases and extinguishes any real

1 property interest of the San Manuel Band of Mis-
2 sion Indians in that parcel of real property.

3 SEC. 8122. (a) The total amount appropriated or oth-
4 erwise made available in titles II, III and IV of this Act
5 is hereby reduced by \$711,000,000 to reflect savings from
6 assumed management improvements, to be distributed as
7 follows:

8 "Title II", \$200,000,000;

9 "Title III", \$300,000,000; and

10 "Title IV", \$211,000,000.

proportionately
11 (b) The Secretary of Defense shall allocate this re-
12 duction ~~proportionally~~ to each budget activity, activity
13 group, subactivity group, and each program, project, and
14 activity within each applicable appropriation account.

15 (INCLUDING TRANSFER OF FUNDS)

16 SEC. 8123. (a) The amount appropriated in title II
17 for "Operation and Maintenance, Air Force" is hereby re-
18 duced by \$967,200,000 to reflect cash balance and rate
19 stabilization adjustments in the Department of Defense
20 Transportation Working Capital Fund.

21 (b) Not later than 270 days after the date of the en-
22 actment of this Act, the Secretary of Defense shall trans-
23 fer \$967,200,000 from the Department of Defense Trans-
24 portation Working Capital Fund to "Operation and Main-
25 tenance, Air Force" to offset the reduction made by sub-
26 section (a). The transfer required by this subsection is in

1 addition to any other transfer authority provided to the
2 Department of Defense.

3 SEC. 8124. None of the funds provided in this Act
4 shall be available for integration of foreign intelligence in-
5 formation unless the information has been lawfully col-
6 lected and processed during the conduct of authorized for-
7 eign intelligence activities: *Provided*, That information
8 pertaining to United States persons shall only be handled
9 in accordance with protections provided in the Fourth
10 Amendment of the United States Constitution as imple-
11 mented through Executive Order No. 12333.

12 SEC. 8125. Of the amount appropriated under the
13 heading "Operation and Maintenance, Marine Corps" for
14 the Marine Corps Air-Ground Task Force Training Cen-
15 ter, Twenty Nine Palms, California, \$3,900,000 shall be
16 available to the Secretary of the Navy to enter into a con-
17 tract, notwithstanding any other provision of law, for the
18 widening of Adobe Road, which is used by members of
19 the Marine Corps stationed at the installation and their
20 dependents, and for construction of pedestrian and bike
21 lanes for the road, to provide for the safety of the Marines
22 stationed at the installation.

23 SEC. 8126. In addition to amounts appropriated or
24 otherwise made available in this Act, there is hereby ap-
25 propriated \$2,500,000, for "Operation and Maintenance,

1 Marine Corps”: *Provided*, That the Secretary of the Navy
2 shall make a grant in that amount to the “Hi-Desert Me-
3 morial Health Care District”, Joshua Tree, California, for
4 the purposes of providing a capability for non-invasive as-
5 sessment, diagnostic testing and treatment in support of
6 service personnel and their families stationed at the Ma-
7 rine Corps Air-Ground Task Force Training Center.

8 SEC. 8127. (a) LAND CONVEYANCE, ARMY RESERVE
9 TRAINING CENTER, WOOSTER, OHIO.—The Secretary of
10 the Army may convey, without consideration, to the City
11 of Wooster, Ohio, all right, title, and interest of the United
12 States in and to a parcel of real property, including im-
13 provements thereon, that is located at 1676 Portage Road,
14 Wooster, Ohio, and contains a former Army Reserve
15 Training Center.

16 (b) DESCRIPTION OF PROPERTY.—The exact acreage
17 and legal description of the real property to be conveyed
18 under subsection (a) shall be determined by a survey satis-
19 factory to the Secretary. The cost of the survey shall be
20 borne by the City of Wooster, Ohio.

21 (c) ADDITIONAL TERMS AND CONDITIONS.—The
22 Secretary may require such additional terms and condi-
23 tions in connection with the conveyance under subsection
24 (a) as the Secretary considers appropriate to protect the
25 interests of the United States.

1 SEC. 8128. (a) At the time members of reserve com-
2 ponents of the Armed Forces are called or ordered to ac-
3 tive duty under section 12302(a) of title 10, United States
4 Code, each member shall be notified in writing of the ex-
5 pected period during which the member will be mobilized.

6 (b) The Secretary of Defense may waive the require-
7 ments of subsection (a) in any case in which the Secretary
8 determines that it is necessary to do so to respond to a
9 national security emergency or to meet dire operational
10 requirements of the Armed Forces.

11 (INCLUDING TRANSFER OF FUNDS)

12 SEC. 8129. The Secretary of the Navy may transfer
13 funds from any available Department of the Navy appro-
14 priation to any available Navy ship construction appro-
15 priation for the purpose of liquidating necessary changes
16 resulting from inflation, market fluctuations, or rate ad-
17 justments for any ship construction program appropriated
18 in law: *Provided*, That the Secretary may transfer not to
19 exceed \$100,000,000 under the authority provided by this
20 section: *Provided further*, That the funding transferred
21 shall be available for the same time period as the appro-
22 priation to which transferred: *Provided further*, That the
23 Secretary may not transfer any funds until 30 days after
24 the proposed transfer has been reported to the Committee
25 on Appropriations of the Senate and the House of Rep-
26 resentatives, unless sooner notified by the Committees

1 that there is no objection to the proposed transfer: *Pro-*
2 *vided further*, That the transfer authority provided by this
3 section is in addition to any other transfer authority con-
4 tained elsewhere in this Act.

5 SEC. 8130. The amounts appropriated in title II of
6 this Act are hereby reduced by \$50,000,000 to reflect sav-
7 ings attributable to the offsetting of payments to contrac-
8 tors for the collection, pursuant to law, of unpaid taxes
9 owed to the United States, as follows:

10 (1) From "Operation and Maintenance, Army",
11 \$11,000,000.

12 (2) From "Operation and Maintenance, Navy",
13 \$13,000,000.

14 (3) From "Operation and Maintenance, Marine
15 Corps", \$1,000,000.

16 (4) From "Operation and Maintenance, Air
17 Force", \$25,000,000.

18 SEC. 8131. The total amount appropriated in title IV
19 is hereby reduced by \$350,000,000 to decrease amounts
20 budgeted in anticipation of the application of non-statutory
21 funding set asides: *Provided*, That this reduction shall
22 be allocated proportionately to each budgeted program,
23 program element, project, and activity: *Provided further*,
24 That funds made available for programs of the National

1 Foreign Intelligence Program (NFIP) are exempt from
2 the application of this provision.

3 (INCLUDING TRANSFER OF FUNDS)

4 SEC. 8132. TANKER REPLACEMENT TRANSFER
5 FUND.—In addition to funds made available elsewhere in
6 this Act, there is hereby appropriated \$100,000,000, to
7 remain available until transferred: *Provided*, That these
8 funds are appropriated to the “Tanker Replacement
9 Transfer Fund” (referred to as “the Fund” elsewhere in
10 this section), which is hereby established in the Treasury:
11 *Provided further*, That the Secretary of the Air Force may
12 transfer amounts in the Fund to “Operation and Maintenance,
13 Air Force”, “Aircraft Procurement, Air Force”,
14 and “Research, Development, Test and Evaluation, Air
15 Force”, only for the purposes of proceeding with a tanker
16 acquisition program: *Provided further*, That funds transferred
17 shall be merged with and be available for the same
18 purposes and for the same time period as the appropriation
19 or fund to which transferred: *Provided further*, That
20 this transfer authority is in addition to any other transfer
21 authority available to the Department of Defense: *Provided further*,
22 That the Secretary of the Air Force shall,
23 not fewer than 15 days prior to making transfers using
24 funds provided in this section, notify the congressional defense
25 committees in writing of the details of any such
26 transfer: *Provided further*, That the Secretary shall submit

1 a report no later than 30 days after the end of each fiscal
2 quarter to the congressional defense committees summa-
3 rizing the details of the transfer of funds from this appro-
4 priation.

5 SEC. 8133. None of the funds appropriated or other-
6 wise made available by this Act may be used to amend
7 or cancel, or implement any amendment or cancellation
8 of, Department of Defense Directive 1344.7, "Personal
9 Commercial Solicitation on DOD Installations", until
10 after the end of the 90-day period beginning on the date
11 on which the report containing the results of the investiga-
12 tion regarding insurance premium allotment processing,
13 which is underway as of the date of the enactment of this
14 Act, is submitted to the congressional defense committees
15 (as defined in section 101(a)(16) of title 10, United States
16 Code), the Committee on Government Reform of the
17 House of Representatives, and the Committee on Govern-
18 mental Affairs of the Senate.

19 SEC. 8134. The Secretary of Defense shall provide
20 a report to the congressional defense committees not later
21 than October 15, 2004, that addresses how the Depart-
22 ment of Defense (DOD) is improving the dud rate of clus-
23 ter munitions to meet existing DOD policies. This report
24 shall address: (1) the types and quantities of munitions
25 systems that employ cluster munitions presently in DOD's

1 inventory that do and do not meet the 1-percent dud rate
2 policy; (2) DOD efforts to ensure the development of clus-
3 ter munitions that meet the 1-percent dud rate policy, in-
4 cluding a list of programs funded in fiscal year 2005; and
5 (3) a schedule describing the DOD cluster munitions in-
6 ventory profile from the present until the time this inven-
7 tory will meet the 1-percent dud rate policy.

8 SEC. 8135. Up to \$2,600,000 of the funds appro-
9 priated under the heading, "Operation and Maintenance,
10 Navy" in this Act may be made available to contract for
11 the installation, repair, maintenance, and operation of on-
12 base and adjacent off-base drainage and flood control sys-
13 tems critical to base operations and the public health and
14 safety of community residents in the vicinity of the Naval
15 Magazine Lualualei.

16 SEC. 8136. From funds provided under the heading
17 "Operation and Maintenance, Navy", the Secretary of the
18 Navy may make a grant in the amount of \$2,100,000 to
19 the Chicago Public Schools for establishment of a Naval
20 Military Academy High School, Chicago, Illinois, in part-
21 nership with the Great Lakes Naval Training Center.

22 SEC. 8137. Of the amount appropriated by title III
23 under the heading "Aircraft Procurement, Air Force",
24 \$880,000 shall be available to the Secretary of the Air
25 Force for a grant to Rocky Mountain College, Montana,

1 for the purchase of three Piper aircraft, and an aircraft
2 simulator, for support of aviation training.

3 SEC. 8138. It is the sense of the Senate that—

4 (1) any request for funds for a fiscal year for
5 an ongoing military operation overseas, including op-
6 erations in Afghanistan and Iraq, should be included
7 in the annual budget of the President for such fiscal
8 year as submitted to Congress under section 1105(a)
9 of title 31, United States Code; and

10 (2) any funds provided for such fiscal year for
11 such a military operation should be provided in ap-
12 propriations Acts for such fiscal year through appro-
13 priations to specific accounts set forth in such Acts.

14 SEC. 8139. Notwithstanding any other provision of
15 law, the Secretary of the Air Force may, using funds avail-
16 able to the Air Force, demolish or provide for the demoli-
17 tion of any facilities or other improvements on real prop-
18 erty at the former Wurtsmith Air Force Base.

19 SEC. 8140. (a) The total amount appropriated or oth-
20 erwise made available in this Act is hereby reduced by
21 \$768,100,000 to reflect excessive unobligated balances, to
22 be distributed as follows:

23 “Operation and Maintenance, Army”,
24 \$160,800,000;

1 “Operation and Maintenance, Navy”,
2 \$171,900,000;
3 “Operation and Maintenance, Marine Corps”,
4 \$15,700,000;
5 “Operation and Maintenance, Air Force”,
6 \$142,400,000; and
7 “Operation and Maintenance, Defense-Wide”,
8 \$277,300,000.

proportionately → 9 (b) The Secretary of Defense shall allocate this re-
10 duction ~~proportionally~~ to each budget activity, activity
11 group, subactivity group, and each program, project, and
12 activity within each applicable appropriation account.

13 SEC. 8141. (a) The total amount appropriated or oth-
14 erwise made available in title II of this Act is hereby re-
15 duced by \$100,000,000 to limit excessive growth in the
16 travel and transportation of persons.

proportionately → 17 (b) The Secretary of Defense shall allocate this re-
18 duction ~~proportionally~~ to each budget activity, activity
19 group, subactivity group, and each program, project, and
20 activity within each applicable appropriation account.

21 (INCLUDING RESCISSIONS)

22 SEC. 8142. Of the funds appropriated in Department
23 of Defense Appropriations Acts, the following funds are
24 hereby rescinded from the following accounts and pro-
25 grams in the specified amounts:

1 “Aircraft Procurement, Navy, 2002/2004”,

2 \$50,000,000; and

3 “Aircraft Procurement, Air Force, 2002/2004”,

4 \$50,000,000:

5 *Provided*, That in addition to funds made available else-

6 where in this Act, \$100,000,000 is hereby appropriated,

7 in the specified amounts to the following accounts:

8 “Aircraft Procurement, Navy, 2003/2005”,

9 \$50,000,000; and

10 “Aircraft Procurement, Air Force, 2003/2005”,

11 \$50,000,000:

12 *Provided further*, That this section shall become effective

13 upon enactment of this Act.

1

TITLE IX

2

ADDITIONAL WAR-RELATED APPROPRIATIONS

3

DEPARTMENT OF DEFENSE—MILITARY

4

MILITARY PERSONNEL

5

MILITARY PERSONNEL, ARMY

6

For an additional amount for “Military Personnel,

7

Army”, \$915,700,000.

8

MILITARY PERSONNEL, NAVY

9

For an additional amount for “Military Personnel,

10

Navy”, \$27,700,000.

11

MILITARY PERSONNEL, MARINE CORPS

12

For an additional amount for “Military Personnel,

13

Marine Corps”, \$241,700,000.

14

MILITARY PERSONNEL, AIR FORCE

15

For an additional amount for “Military Personnel,

16

Air Force”, \$64,900,000.

17

OPERATION AND MAINTENANCE

18

OPERATION AND MAINTENANCE, ARMY

19

For an additional amount for “Operation and Main-

20

tenance, Army”, \$13,550,000,000.

21

OPERATION AND MAINTENANCE, NAVY

22

For an additional amount for “Operation and Main-

23

tenance, Navy”, \$367,000,000.

1 OPERATION AND MAINTENANCE, MARINE CORPS

2 For an additional amount for “Operation and Main-
3 tenance, Marine Corps”, \$1,665,000,000.

4 OPERATION AND MAINTENANCE, AIR FORCE

5 For an additional amount for “Operation and Main-
6 tenance, Air Force”, \$419,000,000.

7 OPERATION AND MAINTENANCE, DEFENSE-WIDE

8 For an additional amount for “Operation and Main-
9 tenance, Defense-Wide”, \$404,000,000.

10 IRAQ FREEDOM FUND

11 (INCLUDING TRANSFER OF FUNDS)

12 For an additional amount for “Iraq Freedom Fund”,
13 \$3,800,000,000, to remain available for transfer until
14 September 30, 2006, only to support operations in Iraq
15 or Afghanistan and classified activities: *Provided*, That the
16 Secretary of Defense may transfer the funds provided
17 herein to appropriations for military personnel; operation
18 and maintenance; Overseas Humanitarian, Disaster, and
19 Civic Aid; procurement; research, development, test and
20 evaluation; the Defense Health Program; and working
21 capital funds: *Provided further*, That of the amounts pro-
22 vided under this heading, \$1,800,000,000 shall only be for
23 classified programs, described in further detail in the clas-
24 sified annex accompanying this Act: *Provided further*,
25 That up to \$100,000,000 shall be available for the De-

1 partment of Homeland Security, "United States Coast
2 Guard, Operating Expenses": *Provided further*, That
3 funds transferred shall be merged with and be available
4 for the same purposes and for the same time period as
5 the appropriation or fund to which transferred: *Provided*
6 *further*, That this transfer authority is in addition to any
7 other transfer authority available to the Department of
8 Defense: *Provided further*, That upon a determination that
9 all or part of the funds transferred from this appropriation
10 are not necessary for the purposes provided herein, such
11 amounts may be transferred back to this appropriation:
12 *Provided further*, That the Secretary of Defense shall, not
13 fewer than 5 days prior to making transfers from this ap-
14 propriation, notify the congressional defense committees
15 in writing of the details of any such transfer: *Provided*
16 *further*, That the Secretary shall submit a report no later
17 than 30 days after the end of each fiscal quarter to the
18 congressional defense committees summarizing the details
19 of the transfer of funds from this appropriation.

20 PROCUREMENT

21 PROCUREMENT OF WEAPONS AND TRACKED COMBAT

22 VEHICLES, ARMY

23 For an additional amount for "Procurement of Weap-
24 ons and Tracked Combat Vehicles, Army", \$50,000,000,
25 to remain available until September 30, 2007.

1 PROCUREMENT OF AMMUNITION, ARMY

2 For an additional amount for "Procurement of Am-
3 munition, Army", \$110,000,000, to remain available until
4 September 30, 2007.

5 OTHER PROCUREMENT, ARMY

6 For an additional amount for "Other Procurement,
7 Army", \$755,000,000, to remain available until Sep-
8 tember 30, 2007.

9 AIRCRAFT PROCUREMENT, NAVY

10 For an additional amount for "Aircraft Procurement,
11 Navy", \$79,000,000, to remain available until September
12 30, 2007.

13 PROCUREMENT OF AMMUNITION, NAVY AND MARINE

14 CORPS

15 For an additional amount for "Procurement of Am-
16 munition, Navy and Marine Corps", \$30,000,000, to re-
17 main available until September 30, 2007.

18 PROCUREMENT, MARINE CORPS

19 For an additional amount for "Procurement, Marine
20 Corps", \$150,000,000, to remain available until Sep-
21 tember 30, 2007.

22 OTHER PROCUREMENT, AIR FORCE

23 For an additional amount for "Other Procurement,
24 Air Force", \$110,000,000, to remain available until Sep-
25 tember 30, 2007.

1 PROCUREMENT, DEFENSE-WIDE

2 For an additional amount for “Procurement, De-
3 fense-Wide”, \$50,000,000, to remain available until Sep-
4 tember 30, 2007.

5 NATIONAL GUARD AND RESERVE EQUIPMENT

6 For an additional amount for “National Guard and
7 Reserve Equipment”, \$50,000,000, to remain available
8 until September 30, 2007.

9 REVOLVING AND MANAGEMENT FUNDS

10 DEFENSE WORKING CAPITAL FUNDS

11 For an additional amount for “Defense Working
12 Capital Funds”, \$1,478,000,000.

13 OTHER DEPARTMENT OF DEFENSE PROGRAMS

14 DEFENSE HEALTH PROGRAM

15 For an additional amount for “Defense Health Pro-
16 gram”, \$683,000,000 for Operation and maintenance.

17 GENERAL PROVISIONS, TITLE IX

18 SEC. 9001. Appropriations provided in this title are
19 available for obligation until September 30, 2005, unless
20 otherwise so provided in this title: *Provided*, That notwith-
21 standing any other provision of law or of this Act, funds
22 in this title are available for obligation, and authorities
23 in this title shall apply, upon enactment of this Act.

1 SEC. 9002. Notwithstanding any other provision of
2 law or of this Act, funds made available in this title are
3 in addition to amounts provided elsewhere in this Act.

4 (TRANSFER OF FUNDS)

5 SEC. 9003. (a) Upon his determination that such ac-
6 tion is necessary in the national interest, the Secretary
7 of Defense may transfer between appropriations up to
8 \$1,500,000,000 of the funds made available to the De-
9 partment of Defense in this title: *Provided*, That the Sec-
10 retary shall notify the Congress promptly of each transfer
11 made pursuant to the authority in this section: *Provided*
12 *further*, That the authority provided in this section is in
13 addition to any other transfer authority available to the
14 Department of Defense and is subject to the same terms
15 and conditions as the authority provided in section 8005
16 of this Act.

17 (b) Section 8005 of the Department of Defense Ap-
18 propriations Act, 2004 (Public Law 108–87; 117 Stat.
19 1071), is amended—

20 (1) by striking “\$2,100,000,000” and inserting
21 in lieu thereof “\$2,800,000,000”; and

22 (2) by striking all after the third proviso and
23 inserting the following: “: *Provided further*, That
24 transfers among military personnel appropriations
25 shall not be taken into account for purposes of the

1 limitation on the amount of funds that may be
2 transferred under this section.”.

3 (c) Section 168(a) of division H of the Consolidated
4 Appropriations Act, 2004 (Public Law 108–199; 118 Stat.
5 456), is repealed upon enactment of this Act.

6 SEC. 9004. Funds appropriated in this title, or made
7 available by the transfer of funds in or pursuant to this
8 title, for intelligence activities are deemed to be specifically
9 authorized by the Congress for purposes of section 504
10 of the National Security Act of 1947 (50 U.S.C. 414).

11 SEC. 9005. None of the funds provided in this title
12 may be used to finance programs or activities denied by
13 Congress in fiscal years 2004 and 2005 appropriations to
14 the Department of Defense or to initiate a procurement
15 or research, development, test and evaluation new start
16 program without prior written notification to the congres-
17 sional defense committees.

18 SEC. 9006. Notwithstanding any other provision of
19 law, from funds made available in this title to the Depart-
20 ment of Defense for operation and maintenance, not to
21 exceed \$500,000,000 may be used by the Secretary of De-
22 fense, with the concurrence of the Secretary of State, to
23 train, equip and provide related assistance only to the New
24 Iraqi Army and the Afghan National Army to enhance
25 their capability to combat terrorism and to support U.S.

1 military operations in Iraq and Afghanistan: *Provided*,
2 That such assistance may include the provision of equip-
3 ment, supplies, services, training and funding: *Provided*
4 *further*, That the authority to provide assistance under
5 this section is in addition to any other authority to provide
6 assistance to foreign nations: *Provided further*, That the
7 Secretary of Defense shall notify the congressional defense
8 committees, the Committee on International Relations of
9 the House of Representatives, and the Committee on For-
10 eign Relations of the Senate not less than 15 days before
11 providing assistance under the authority of this section.

12 SEC. 9007. From funds made available in this title
13 to the Department of Defense, not to exceed \$300,000,000
14 may be used, notwithstanding any other provision of law,
15 to fund the Commander's Emergency Response Program,
16 for the purpose of enabling military commanders in Iraq
17 to respond to urgent humanitarian relief and reconstruc-
18 tion requirements within their areas of responsibility by
19 carrying out programs that will immediately assist the
20 Iraqi people, and to fund a similar program to assist the
21 people of Afghanistan: *Provided*, That the Secretary of
22 Defense shall provide quarterly reports to the congres-
23 sional defense committees regarding the source of funds
24 and the allocation and use of funds made available pursu-
25 ant to the authority provided in this section.

1 SEC. 9008. Section 202(b) of the Afghanistan Free-
2 dom Support Act of 2002 (Public Law 107-327, as
3 amended by section 2206 of Public Law 108-106) is
4 amended by striking “\$450,000,000” and inserting in lieu
5 thereof “\$550,000,000”.

6 SEC. 9009. During the current fiscal year, funds
7 available to the Department of Defense for operation and
8 maintenance may be used, notwithstanding any other pro-
9 vision of law, to provide supplies, services, transportation,
10 including airlift and sealift, and other logistical support
11 to coalition forces supporting military and stability oper-
12 ations in Iraq and Afghanistan: *Provided*, That the Sec-
13 retary of Defense shall provide quarterly reports to the
14 congressional defense committees regarding support pro-
15 vided under this section.

16 SEC. 9010. (a) Not later than April 30 and October
17 31 of each year, the Secretary of Defense shall submit
18 to Congress a report on the military operations of the
19 Armed Forces and the reconstruction activities of the De-
20 partment of Defense in Iraq and Afghanistan.

21 (b) Each report shall include the following informa-
22 tion:

23 (1) For each of Iraq and Afghanistan for the
24 half-fiscal year ending during the month preceding
25 the due date of the report, the amount expended for

1 military operations of the Armed Forces and the
2 amount expended for reconstruction activities, to-
3 gether with the cumulative total amounts expended
4 for such operations and activities.

5 (2) An assessment of the progress made toward
6 preventing attacks on United States personnel.

7 (3) An assessment of the effects of the oper-
8 ations and activities in Iraq and Afghanistan on the
9 readiness of the Armed Forces.

10 (4) An assessment of the effects of the oper-
11 ations and activities in Iraq and Afghanistan on the
12 recruitment and retention of personnel for the
13 Armed Forces.

14 (5) For the half-fiscal year ending during the
15 month preceding the due date of the report, the
16 costs incurred for repair of Department of Defense
17 equipment used in the operations and activities in
18 Iraq and Afghanistan.

19 (6) The foreign countries, international organi-
20 zations, and nongovernmental organizations that are
21 contributing support for the ongoing military oper-
22 ations and reconstruction activities, together with a
23 discussion of the amount and types of support con-
24 tributed by each during the half-fiscal year ending

1 during the month preceding the due date of the re-
2 port.

3 (7) The extent to which, and the schedule on
4 which, the Selected Reserve of the Ready Reserve of
5 the Armed Forces is being involuntarily ordered to
6 active duty under section 12304 of title 10, United
7 States Code.

8 (8) For each unit of the National Guard of the
9 United States and the other reserve components of
10 the Armed Forces on active duty pursuant to an
11 order to active duty under section 12304 of title 10,
12 United States Code, the following information:

13 (A) The unit.

14 (B) The projected date of return of the
15 unit to its home station.

16 (C) The extent (by percentage) to which
17 the forces deployed within the United States
18 and outside the United States in support of a
19 contingency operation are composed of reserve
20 component forces.

21 SEC. 9011. Congress, consistent with international
22 and United States law, reaffirms that torture of prisoners
23 of war and detainees is illegal and does not reflect the
24 policies of the United States Government or the values of
25 the people of the United States.

1 SEC. 9012. The President shall provide to the Con-
2 gress a report detailing the estimated costs over the period
3 from fiscal year 2006 to 2011 of Operation Iraqi Freedom
4 and Operation Enduring Freedom, or any related military
5 operations in and around Iraq and Afghanistan, and the
6 estimated costs of reconstruction, internal security, and
7 related economic support to Iraq and Afghanistan: *Pro-*
8 *vided*, That the President may waive the requirement to
9 submit this report only if the President certifies in writing
10 to the Congress that estimates of these future military and
11 economic support costs cannot be provided for purposes
12 of national security: *Provided further*, That the report ref-
13 erenced above shall be submitted no later than January
14 1, 2005.

15 SEC. 9013. None of the funds made available in this
16 title may be used to fund any contract in contravention
17 of section 8(d)(6) of the Small Business Act (15 U.S.C.
18 637(d)(6)).

19 SEC. 9014. The Secretary of Defense may present
20 promotional materials, including a United States flag, to
21 any member of an Active or Reserve component under the
22 Secretary's jurisdiction who, as determined by the Sec-
23 retary, participates in Operation Enduring Freedom or
24 Operation Iraqi Freedom.

1 SEC. 9015. Amounts appropriated or otherwise made
2 available in this title are each designated as an emergency
3 requirement pursuant to section 402 of S. Con. Res. 95
4 (108th Congress), as made applicable to the House of
5 Representatives by H. Res. 649 (108th Congress) and ap-
6 plicable to the Senate by section 14007 of this Act.

1

TITLE X

2

OTHER MATTERS

3

CHAPTER 1

4

DEPARTMENT OF STATE

5

ADMINISTRATION OF FOREIGN AFFAIRS

6

DIPLOMATIC AND CONSULAR PROGRAMS

7

For an additional amount for “Diplomatic and Con-

8

sular Programs” for costs associated with United States

9

Mission operations, technological support, logistical sup-

10

port, and necessary security costs in Iraq, \$665,300,000,

11

to remain available until expended.

12

EMBASSY SECURITY, CONSTRUCTION, AND

13

MAINTENANCE

14

For an additional amount for “Embassy Security,

15

Construction, and Maintenance” for interim facilities for

16

the United States Mission in Iraq, \$20,000,000, to remain

17

available until expended.

18

GENERAL PROVISIONS, THIS CHAPTER

19

SEC. 11001. For the purposes of applying sections

20

204 and 605 of the Departments of Commerce, Justice,

21

and State, the Judiciary, and Related Agencies Appropria-

22

tions Act, 2004 (division B of Public Law 108–199) to

23

matters in title II of such Act under the heading “Na-

24

tional Institute of Standards and Technology” (118 Stat.

25

69), in the account under the heading “Industrial Tech-

1 nology Services”, the Secretary of Commerce shall make
2 all determinations based on the Industrial Technology
3 Services funding level of \$218,782,000 for reprogramming
4 and transferring of funds for the Manufacturing Extension
5 Partnership program and may submit such a re-
6 programming or transfer, as the case may be, to the ap-
7 propriate committees within 30 days after the date of the
8 enactment of this Act.

9 SEC. 11002. In addition to amounts otherwise made
10 available in this Act, \$50,000,000, is made available upon
11 enactment for “Office of Justice Programs—State and
12 Local Law Enforcement Assistance” for discretionary
13 grants under the Edward Byrne Memorial State and Local
14 Law Enforcement Assistance Programs for reimburse-
15 ment to State and local law enforcement entities for secu-
16 rity and related costs, including overtime, associated with
17 the 2004 Presidential Candidate Nominating Conventions,
18 to remain available until September 30, 2005: *Provided*,
19 That from funds provided in this section the Office of Jus-
20 tice Programs shall make grants in the amount of
21 \$25,000,000 to the City of Boston, Massachusetts; and
22 \$25,000,000 to the City of New York, New York.

23 SEC. 11003. To ensure the continuity of Criminal
24 Justice Act (CJA) representations by panel attorneys,
25 \$26,000,000 is appropriated to the Judiciary, “Courts of

1 Appeals, District Courts, and Other Judicial Services, De-
2 fender Services”, to remain available until expended: *Pro-*
3 *vided*, That the entire amount shall become available upon
4 enactment of this Act: *Provided further*, That the amounts
5 made available in this section shall only be used for CJA
6 panel attorney representations.

7 SEC. 11004. Authorities contained in sections 402,
8 407, and 605 of division B of Public Law 108–199 shall
9 also apply to amounts provided in this title for the Depart-
10 ment of State.

11 CHAPTER 2

12 BILATERAL ECONOMIC ASSISTANCE

13 FUNDS APPROPRIATED TO THE PRESIDENT

14 UNITED STATES AGENCY FOR INTERNATIONAL

15 DEVELOPMENT

16 INTERNATIONAL DISASTER AND FAMINE ASSISTANCE

17 For an additional amount for “International Disaster
18 and Famine Assistance”, \$70,000,000, to remain available
19 until expended: *Provided*, That funds appropriated by this
20 paragraph shall be available to respond to the humani-
21 tarian crisis in the Darfur region of Sudan and in Chad.

22 DEPARTMENT OF STATE

23 MIGRATION AND REFUGEE ASSISTANCE

24 For an additional amount for “Migration and Ref-
25 ugee Assistance”, \$25,000,000, to remain available until

1 expended: *Provided*, That funds appropriated by this para-
2 graph shall be available to respond to the humanitarian
3 crisis in the Darfur region of Sudan and in Chad.

4 GENERAL PROVISIONS, THIS CHAPTER

5 SEC. 12001. (a)(1) Notwithstanding section 514 of
6 the Foreign Assistance Act of 1961 (22 U.S.C. 2321h),
7 the President may transfer to Israel, in exchange for con-
8 cessions to be negotiated by the Secretary of Defense, with
9 the concurrence of the Secretary of State, any or all of
10 the items described in paragraph (2).

11 (2) The items referred to in paragraph (1) are armor,
12 artillery, automatic weapons ammunition, missiles, and
13 other munitions that—

14 (A) are obsolete or surplus items;

15 (B) are in the inventory of the Department of
16 Defense;

17 (C) are intended for use as reserve stocks for
18 Israel; and

19 (D) as of the date of enactment of this Act, are
20 located in a stockpile in Israel.

21 (b) The value of concessions negotiated pursuant to
22 subsection (a) shall be at least equal to the fair market
23 value of the items transferred. The concessions may in-
24 clude cash compensation, services, waiver of charges other-

1 wise payable by the United States, and other items of
2 value.

3 (c) Not later than 30 days before making a transfer
4 under the authority of this section, the President shall
5 transmit a notification of the proposed transfer to the
6 Committees on Foreign Relations and Armed Services of
7 the Senate and the Committees on International Relations
8 and Armed Services of the House of Representatives. The
9 notification shall identify the items to be transferred and
10 the concessions to be received.

11 (d) No transfer may be made under the authority of
12 this section more than 2 years after the date of the enact-
13 ment of this Act.

14 SEC. 12002. Section 514(b)(2) of the Foreign Assist-
15 ance Act of 1961 (22 U.S.C. 2321h(b)(2)) is amended—

16 (1) in subparagraph (A), by striking “for fiscal
17 year 2003” and inserting “for each of fiscal years
18 2004 and 2005”; and

19 (2) in subparagraph (B), by striking “for fiscal
20 year 2003” and inserting “for a fiscal year”.

1 CHAPTER 3
2 SUPPLEMENTAL APPROPRIATIONS FOR FISCAL
3 YEAR 2004 FOR URGENT WILDLAND FIRE
4 SUPPRESSION ACTIVITIES

5 DEPARTMENT OF THE INTERIOR

6 BUREAU OF LAND MANAGEMENT

7 WILDLAND FIRE MANAGEMENT

8 For an additional amount for fiscal year 2004 for
9 “Wildland Fire Management”, \$100,000,000, to remain
10 available until expended, for urgent wildland fire suppres-
11 sion activities related to the fiscal year 2004 fire season
12 pursuant to section 312 of S. Con. Res. 95 (108th Con-
13 gress): *Provided*, That such funds are also available for
14 repayment of advances to other appropriations accounts
15 from which funds are transferred for such purposes: *Pro-*
16 *vided further*, That cost containment measures shall be im-
17 plemented within this account for fiscal year 2004, and
18 the Secretary of the Interior shall submit to the Commit-
19 tees on Appropriations of the Senate and the House of
20 Representatives a report on such cost containment meas-
21 ures by December 31, 2004.

1 DEPARTMENT OF AGRICULTURE

2 FOREST SERVICE

3 WILDLAND FIRE MANAGEMENT

4 For an additional amount for fiscal year 2004 for
5 "Wildland Fire Management", \$400,000,000, to remain
6 available until expended, for urgent wildland fire suppres-
7 sion activities related to the fiscal year 2004 fire season
8 pursuant to section 312 of S. Con. Res. 95 (108th Con-
9 gress): *Provided*, That such funds are also available for
10 repayment of advances to other appropriations accounts
11 from which funds are transferred for such purposes: *Pro-*
12 *vided further*, That the Secretary of Agriculture shall es-
13 tablish an independent cost-control review panel to exam-
14 ine and report on fire suppression costs for individual
15 wildfire incidents that exceed \$10,000,000 in cost: *Pro-*
16 *vided further*, That if the independent review panel report
17 finds that appropriate actions were not taken to control
18 suppression costs for one or more such wildfire incidents,
19 then an amount equal to the aggregate estimated excess
20 costs of suppressing those wildfire incidents shall be trans-
21 ferred to the Treasury from unobligated balances remain-
22 ing at the end of fiscal year 2004 in the Wildland Fire
23 Management account, if available.

1

CHAPTER 4

2

GENERAL PROVISIONS, THIS TITLE

3

SEC. 14001. Appropriations provided in this title are
4 available for obligation until September 30, 2005, unless
5 otherwise so provided in this title.

6

SEC. 14002. Funds in this title are available for obli-
7 gation and authorities in this title shall apply upon enact-
8 ment of this Act.

9

SEC. 14003. (a) Public Law 108–199 is amended in
10 division F, title I, section 110(g) by striking “Of the” and
11 inserting “Prior to distributing”; striking “each” every
12 time it appears and inserting “the”; striking “project”
13 every time it appears and inserting “projects”.

14

(b) The limitation under the heading “Federal-aid
15 Highways (Limitation on Obligations) (Highway Trust
16 Fund)” in Public Law 108–199 is increased by such sums
17 as may be necessary to ensure that each State receives
18 an amount of obligation authority equal to what each
19 State would have received under division F, title I, section
20 110(a)(6) of Public Law 108–199 but for the amendment
21 made to division F, title I, section 110(g) of Public Law
22 108–199 by subsection (a) of this section: *Provided*, That
23 such additional authority shall remain available during fis-
24 cal years 2004 and 2005: *Provided further*, That for each
25 State receiving an amount of obligation authority greater

1 than what each State would have received under division
2 F, title I, section 110(a)(6) of Public Law 108–199 but
3 for the amendment made to division F, title I, section
4 110(g) of Public Law 108–199 by subsection (a) of this
5 section, such additional obligation authority shall remain
6 available during fiscal years 2004 and 2005.

7 SEC. 14004. (a) RESCISSION.—Upon enactment of
8 this Act, there is rescinded an amount equal to \$795,280
9 from the amount appropriated to carry out part B of title
10 VII of the Higher Education Act of 1965, in title III of
11 division E of the Consolidated Appropriations Act, 2004
12 (Public Law 108–199; 118 Stat. 3). This amount shall
13 reduce the funds available for the projects specified in the
14 statement of the managers on the Conference Report 108–
15 401 accompanying the Consolidated Appropriations Act,
16 2004 (Public Law 108–199; 118 Stat. 3).

17 (b) DISREGARD AMOUNT.—In the statement of the
18 managers on the Conference Report 108–401 accom-
19 panying the Consolidated Appropriations Act, 2004 (Pub-
20 lic Law 108–199; 118 Stat. 3), in the matter in title III
21 of division E, relating to the Fund for the Improvement
22 of Postsecondary Education under the heading “Higher
23 Education”, the provision specifying \$800,000 for
24 Wahpeton State School of Science and North Dakota

1 State University to recruit, retain and train pharmacy
2 technicians shall be disregarded.

3 (c) APPROPRIATION.—There is appropriated an
4 amount equal to \$795,280 to the Department of Labor,
5 Employment and Training Administration for “Training
6 and Employment Services”, available for obligation for the
7 period from July 1, 2004, through June 30, 2005, of
8 which—

9 (1) \$200,000 shall be made available to the
10 North Dakota State School of Science to recruit, re-
11 tain, and train pharmacy technicians;

12 (2) \$297,640 shall be made available to Bis-
13 marek State College for training and education re-
14 lated to its electric power plant technologies cur-
15 riculum; and

16 (3) \$297,640 shall be made available for Minot
17 State University for the Job Corps Fellowship
18 Training Program.

19 (d) The matter under the heading “Institute of Mu-
20 seum and Library Services” in title IV of the Departments
21 of Labor, Health and Human Services, and Education,
22 and Related Agencies Appropriations Act, 2004, (Public
23 Law 108–199, division E) is amended by striking “Michi-
24 gan Space and Science Center, Jackson, Michigan, for de-
25 velopment of the strategic plan, operational costs and per-

1 sonnel” and inserting “Jackson Intermediate School Dis-
2 trict, Jackson, Michigan, for equipment and materials for
3 the Math and Science Resource Library”.

4 SEC. 14005. Of the unobligated amounts available for
5 the District of Columbia Public Schools under this head-
6 ing, \$10,600,000 are rescinded immediately upon enact-
7 ment of this Act. For a Federal payment to the District
8 of Columbia under this heading, \$10,600,000, available
9 immediately upon enactment of this Act, to improve public
10 school education in the District of Columbia, to remain
11 available until September 30, 2005.

12 SEC. 14006. The numerical limitation contained in
13 section 214(g)(1)(B) of the Immigration and Nationality
14 Act (8 U.S.C. 1184(g)(1)(B)) shall not apply to any non-
15 immigrant alien issued a visa or otherwise provided status
16 under section 101(a)(15)(H)(ii)(b) of such Act (8 U.S.C.
17 1101(a)(15)(H)(ii)(b)) who is employed (or has received
18 an offer of employment) as a fish roe processor, a fish
19 roe technician, or a supervisor of fish roe processing.

20 SEC. 14007. 2005 DISCRETIONARY LIMITS. (a) IN
21 GENERAL.—For the purposes of section 302(a) of the
22 Congressional Budget Act of 1974, the allocation of the
23 appropriate levels of budget totals for the Senate Com-
24 mittee on Appropriations for fiscal year 2005 shall be—

25 (1) for total discretionary spending—

1 (A) \$821,419,000,000 in total new budget
2 authority; and

3 (B) \$905,328,000,000 in total budget out-
4 lays; and

5 (2) for mandatory—

6 (A) \$460,008,000,000 in total new budget
7 authority; and

8 (B) \$445,525,000,000 in total budget out-
9 lays;

10 until a concurrent resolution on the budget for fiscal year
11 2005 is agreed to by the Senate and the House of Rep-
12 resentatives pursuant to section 301 of the Congressional
13 Budget Act of 1974.

14 (b) ADJUSTMENTS AND LIMITS.—The following lim-
15 its and adjustments provided in S. Con. Res. 95 (108th
16 Congress) shall apply to subsection (a):

17 (1) Sections 311 and 403 for fiscal year 2005.

18 (2) Sections 312 and 402 which shall apply to
19 both fiscal years 2004 and 2005.

20 (c) DEFINITION.—In this section, the term “total dis-
21 cretionary spending” includes the discretionary category,
22 the mass transit category, and the highway category.

23 (d) REPEAL.—Section 504 of H. Con. Res. 95 (108th
24 Congress) is repealed.

1 (e) EFFECTIVE DATE.—This section shall take effect
2 on the date of enactment of this Act.

3 SEC. 14008. Amounts appropriated or otherwise
4 made available in chapters 1 and 2 of this title are each
5 designated as an emergency requirement pursuant to sec-
6 tion 402 of S. Con. Res. 95 (108th Congress), as made
7 applicable to the House of Representatives by H. Res. 649
8 (108th Congress) and applicable to the Senate by section
9 14007 of this Act.

10 This Act may be cited as the “Department of Defense
11 Appropriations Act, 2005”.

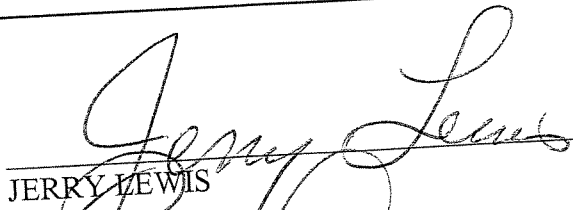
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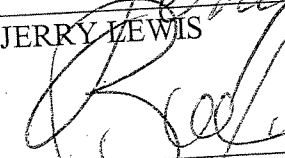
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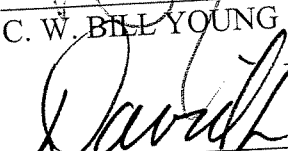
And the Senate agree to the same.

Managers on the part of the


HOUSE



JERRY LEWIS


C. W. BILL YOUNG


DAVID L. HOBSON



HENRY BONILLA



GEORGE R. NETHERCUTT, JR.


RANDY "DUKE" CUNNINGHAM


RODNEY P. FRELINGHUYSEN


TODD TIAHRT



ROGER F. WICKER


JOHN P. MURTHA


NORMAN D. DICKS

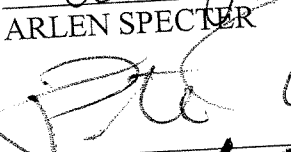
Managers on the part of the

SENATE



TED STEVENS



THAD COCHRAN



ARLEN SPECTER



PETE DOMENICI

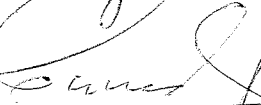

CHRISTOPHER S. BOND

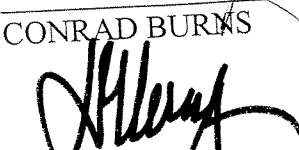

MITCH MC CONNELL


RICHARD C. SHELBY


JUDD GREGG


KAY BAILEY HUTCHISON


CONRAD BURNS


DANIEL K. INOUE

Martin Olav Sabo
MARTIN OLAV SABO

Peter J. Visclosky
PETER J. VISCLOSKY

James P. Moran
JAMES P. MORAN

David R. Obey
DAVID R. OBEY

Ernest F. Hollings Except for
deeming
section
ERNEST F. HOLLINGS

Robert C. Byrd EXCEPT FOR THE SECTION
DEEMING FY 2005
DISCRETIONARY LIMITS
ROBERT C. BYRD

Patrick J. Leahy Except for Deeming section
PATRICK J. LEAHY

Tom Harkin except for
deeming
section
TOM HARKIN

Byron L. Dorgan except for
deeming section
BYRON L. DORGAN

Richard J. Durbin except for the
deeming FY 2005
discretionary limits.
RICHARD J. DURBIN

Harry Reid EXCEPT FOR DEEMING
section
HARRY REID

Dianne Feinstein except for
deeming
section
DIANNE FEINSTEIN